



भारत का राजपत्र The Gazette of India

प्राधिकार से प्रकाशित

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सं० ४९] नई दिल्ली, शनिवार, विसम्बर ३, १९६६/अग्राहायण १२, १८८८

No. 49] NEW DELHI, SATURDAY, DECEMBER 3, 1966/AGRAHAYANA 12, 1888

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation.

नोटिस

NOTICE

नीचे लिखे भारत के असाधारण राजपत्र २१ नवम्बर १९६६ तक प्रकाशित किये गये :—

The undermentioned Gazettes of India Extraordinary were published up to the 21st November, 1966 :—

Issue No.	No. and Date	Issued by	Subject
377	S.O. 3511, dated 16th November, 1966.	Cabinet Secretariat	Amendments in the Government of India (Allocation of Business) Rules, 1961.
378	S.O. 3512, dated 16th November, 1966.	Ministry of Food, Agriculture, Community Development and Cooperation.	Delegation of powers under the Essential Commodities Act, 1955 in relation to the prices, stocks and movements of cattle fodder of any of the varieties specified in the Schedule therein, to the Collectors of all districts in the State of Bihar.
379	S.O. 3513, dated 16th November, 1966.	Delimitation Commission.	Delimitation of Parliamentary Constituencies in the State of Jammu and Kashmir.

Issue No.	No. and Date	Issued by	Subject
380	S.O. 3514, dated 17th November, 1966.	Election Commission.	Calling upon the effected members of the Legislative Assembly of Haryana to elect a person to fill the first of the said vacancies and separately, another person to fill the second of the said vacancies allotted to the State of Haryana in the Council of States.
	S.O. 3515, dated 17th November, 1966.	Do.	Appointing dates for the above election (S.O. 3514).
	S.O. 3516, dated 17th November, 1966.	Do.	Designating the Secretary, Haryana Vidhan Sabha to be the Returning Officer for the above election (S.O. 3514).
	S.O. 3517, dated 17th November, 1966.	Do.	Appointing Chauchry Partap Singh, Superintendent, Haryana Vidhan Sabha Secretary, to assist the Returning Officer for the above election (S.O. 3514).
	S.O. 3518, dated 17th November, 1966.	Do.	Fixing the hours for the above election (S.O. 3514).
381	S.O. 3519, dated 17th November, 1966.	Ministry of Food, Agriculture, Community Development and Co-operation.	Amendment to the order No. S.R.O. 2989, dated the 13th September 1957.
382	S.O. 3520, dated 20th November, 1966.	Ministry of Education	The Ancient Monuments and Archaeological Sites and Remains (Amendment) Rules, 1966.
383	S. O. 3521, dated 21st November, 1966.	Ministry of Information and Broadcasting.	Approval of the film as specified therein.
384	S.O. 3522, dated 21st November, 1966.	Ministry of Commerce.	Amendment to the Order No. 26(17)/Com-Gen/66, dated 30th July, 1966.
385	S. O. 3523, dated 21st November, 1966.	Ministry of Home Affairs.	Modification in the notification No. S.O. 992, dated the 22nd March, 1965.

ऊपर लिखे असाधारण राजपत्रों की प्रतियां प्रकाशन प्रबन्धक, सिविल लाइन्स, दिल्ली के नाम मांगपत्र भेजने पर भेज दी जाएंगी। मांगपत्र प्रबन्धक के पास इन राजपत्रों के जारी होने की तारीख से 10 दिन के भीतर पहुंच जाने चाहिए।

Copies of the Gazettes Extraordinary mentioned above will be supplied on indent to the Manager of Publications, Civil Lines, Delhi. Indents should be submitted so as to reach the Manager within ten days of the date of issue of these Gazettes.

भाग II-खण्ड 3-उपखण्ड (ii)

PART II—Section 3—Sub-section (ii)

(एखा मंत्रालय को छोड़कर) भारत सरकार के मंत्रालयों और (संघ क्षेत्र प्रशासन को छोड़कर)

केन्द्रीय प्राधिकरणों द्वारा जारी किए गए विधिक आदेश और अधिसूचनाएं।

Statutory orders and notifications issued by the Ministries of the Government of India (other than the Ministry of Defence) and by Central Authorities (other than the Administration of Union Territories).

ELECTION COMMISSION, INDIA

New Delhi, the 14th November 1966

S.O. 3609.—In exercise of the powers conferred by section 21 of the Representation of the People Act, 1951, the Election Commission hereby directs that the following amendment shall be made in its notification No. 434/NL/66, dated the 18th June, 1966:—

In item (a), for the words "the Commissioner", the words "the Development Commissioner" shall be substituted.

[No. 434/NL/66.]

New Delhi, the 17th November 1966

S.O. 3610.—In exercise of the powers conferred by sub-section (1) of section 22 of the Representation of the People Act, 1951, the Election Commission directs that the following amendments shall be made in its notification No. 434/BR/66, dated the 17th August, 1966, published in the Extraordinary issue of the Gazette of India, Part II, Section 3(ii), dated the 19th August, 1966, namely:—

In the Table appended to the said notification,

- (i) In item 21, to the entries in column 3, the entry "(4) Sub-divisional Officer, Araria" shall be added;
- (ii) In item 45, the entry "(3) Sadar Sub-divisional Officer, Hazaribagh" in column 3, shall be omitted and the entry "(4)" shall be re-numbered as entry "(3)"; and
- (iii) In item 52, to the entries in column 3, the entry "(4)" Sub-divisional Officer, Latehar" shall be added.

[No. 434/BR/66.]

New Delhi, the 19th November 1966

S.O. 3611.—In exercise of the powers conferred by sub-section (1) of section 13A of the Representation of the People Act, 1950 (43 of 1950), the Election Commission, in consultation with the Government of Punjab hereby nominates Shri A. N. Kashyap, I.A.S. as the Chief Electoral Officer for the State of Punjab with effect from 1st November, 1966, and until further orders vice Shri S. K. Chhibber, I.A.S.

[No. 154/11/66.]

By Order,

PRAKASH NARAIN, Secy.

ERRATUM

"In the Delimitation Commission's Notification No. 282/JK/HP/66, dated the 16th November, 1966, published in the Gazette of India, Extraordinary, Part II Section 3, Sub-Section (ii), dated the 16th November, 1966, (S.O. 3513), at page 1592, below the Note insert the words and figures "New Delhi, dated 10th November, 1966".

DEPARTMENT OF COMMUNICATIONS

(P. & T. Board)

New Delhi, the 23rd November 1966

S.O. 3612.—In pursuance of para (a) of Section III of Rule 434 of Indian Telegraph Rules, 1951, as introduced by S.O. No. 627 dated 8th March, 1960, the Director-General, Posts and Telegraphs, hereby specifies the 1st January, 1967, as the date on which the Measured Rate System will be introduced in VIZIANAGARAM Telephone Exchange.

[No. 5-54/66-PHB.]

D. R. BAHL,

Assistant Director General (PHB).

संचार विभाग

(डाक-तार बोर्ड)

नई दिल्ली, 23 नवम्बर 1966

एस० ओ० 3613.—स्थायी आदेश क्रमसंख्या 627, दिनांक 8 मार्च, 1960 द्वारा लागू किये गये 1951 के भारतीय तार नियमों के नियम 434 के खण्ड III के पैरा (क) के अनुसार डाक-तार महानिदेशक ने विजया नगरम टेलीफोन केंद्र में 1 जनवरी, 1967 से प्रमाणित दर-प्रणाली लागू करने का निश्चय किया है।

(सं० 5-54/66-पी०एच०बी०)

डी० आर० बहल,

सहायक महानिदेशक (पी०एच०बी०)।

MINISTRY OF EDUCATION

New Delhi, the 16th November 1966

S.O. 3614.—In exercise of the powers conferred by sub-section (1) read with clause (iv) of sub-section (2) of section 8 of the Hindi Sahitya Sammelan Act, 1962 (13 of 1962), the Central Government hereby appoints Shri M. Satyanarayana, as a member of the first Governing Body of the Hindi Sahitya Sammelan in place of late Shri Balwant Rai Mehta and makes the following further amendment in the notification of the Government of India in the Ministry of Education, No. S.R.O. 1758 dated the 2nd June, 1962, namely:—

In the said notification under the heading 'Members', under the sub-heading '(d) Other Eminent Persons' for the entry against item (ix), the following entry shall be substituted namely:—

'Shri M. Satyanarayana, 7, 1st Crescent Road, Gandhinagar, Madras-20.

[No. F. 30-4/66-H. I.]

N. S. BHATNAGAR, Under Secy.

शिक्षा मंत्रालय

नई दिल्ली, 16 नवम्बर, 1966

एस० ओ० 3615—हिन्दी साहित्य सम्मेलन अधिनियम, 1962 (1962 का 13वां) के अनुच्छेद 8 की उपधारा (2) की धारा (IV) के साथ पढ़े जाने वाली उपधारा (I) द्वारा प्रदत्त अधिकारों का प्रयोग करते हुए केन्द्रीय सरकार स्वर्गीय श्री बलवन्त राय मेहता के स्थान

पर श्री एम० सत्यनारायण को हिन्दी साहित्य सम्मेलन की प्रथम शास्त्री निकाय का सदस्य नियुक्त करती है और भारत सरकार, शिक्षा मंत्रालय की अधिसूचना सं० एस० आर० ओ० 1758 दिनांक 2 जून, 1965 में निम्नलिखित और संशोधन करती है, अर्थात् :—

उपर्युक्त अधिसूचना में "सदस्य" शीर्ष के अधीन उप शीर्ष "(घ) अन्य प्रमुख व्यक्ति" के अन्तर्गत मद् संख्या (IX) में दी गई प्रविष्टि के स्थान पर निम्नलिखित प्रविष्टि लिख दी जाए अर्थात् :—

"श्री एम० सत्यनारायण, 7, फर्स्ट फ्लैन्ट रोड, गांधीनगर, मद्रास-20"

[सं० एफ० 30-4/66-एच० 1]

निरंकार स्वरूप भटनागर,
अवर सचिव ।

MINISTRY OF COMMERCE

New Delhi, the 23rd November 1966

S.O. 3616.—In exercise of the powers conferred by section 3 of the Essential Commodities Act, 1955 (10 of 1955), the Central Government hereby makes the following order further to amend the Textiles (Production by Powerlooms) Control Order, 1956.

1. This Order may be called the Textiles (Production by Powerlooms) Control (Second Amendment) Order, 1966.

2. In the Textiles (Production by Powerlooms) Control Order, 1956, for sub-clause (d) of clause 2, the following sub-clause shall be substituted, namely :—

"(d) 'Textile Commissioner' means the Textile Commissioner appointed by the Central Government and includes any Additional Textile Commissioner, Joint Textile Commissioner, Industrial Adviser and *Ex-Officio* Joint Textile Commissioner or Deputy Textile Commissioner appointed by the Central Government."

[No. 5(41)Tex(F)/66.]

N. S. VAIDYANATHAN, Under Secy.

New Delhi, the 23rd November 1966

S.O. 3617.—In exercise of the powers conferred by section 3 of the Essential Commodities Act, 1955, (10 of 1955), the Central Government hereby makes the following Order further to amend the Woollen Textiles (Production and Distribution) Control Order, 1962, namely :—

(1) This Order may be called the Woollen Textiles (Production and Distribution Control) Fourth Amendment Order, 1966.

(2) In clause 4 of the Woollen Textiles (Production and Distribution) Control Order, 1962, after sub-clause (4), the following sub-clause shall be inserted, namely :—

"(5) Every marking specified by the Textile Commissioner under sub-clause (2) with respect to length, width, count, denier, number or weight shall always be subject to the relevant limits of variations contained in the instructions, for the time being in force, issued by the Central Government under section 95 of the Trade and Merchandise Marks Act, 1958 (43 of 1958)".

[No. 20(28)/66-TEX.(E).]

A. G. V. SUBRAHMANYAM, Under Secy.

वाणिज्य संचालय

नई दिल्ली, 23 नवम्बर 1966

एस० ओ० 3618.—अत्यावश्यक वस्तु अधिनियम, 1955 (1955 का 10) की धारा 3 द्वारा प्रदत्त अधिकारों का प्रयोग करती हुई, केन्द्रीय सरकार, एतद् द्वारा ऊनी वस्त्र (उत्पादन तथा वितरण) नियंत्रण आदेश, 1962 में आगे संशोधन करने के लिये निम्नलिखित आदेश जारी करती है, अर्थात् :—

1. यह आदेश ऊनी वस्त्र (उत्पादन तथा वितरण नियंत्रण) चतुर्थ संशोधन आदेश, 1966 कहा जायेगा ।

2. ऊनी वस्त्र (उत्पादन तथा वितरण) नियंत्रण आदेश, 1962 के खण्ड 4 में उप-खण्ड (4) के अन्तर्गत निम्नलिखित उप-खण्ड रखा जायेगा, अर्थात् :—

“(5) लम्बाई, चौड़ाई, सूत्रांक (काउंट), डेनियर, नंबर, या भार के सम्बन्ध में, वस्त्र प्रायुक्त द्वारा उप-खण्ड (2) के अंतर्गत निर्दिष्ट प्रत्येक चिह्नानकन, स्वदा व्यापार तथा पञ्च चिह्नानकन अधिनियम, 1958 (1958 का 43) की धारा 95 के अंतर्गत केन्द्रीय सरकार द्वारा जारी किये गये अनुदेशों में, जो उस समय लागू हों, अंतर्निहित परिवर्तनों की सम्बद्ध सीमाओं के अंतर्गत होगा ।”

[सं० 20/28/66-टेक्स(ई)]

ए० जी० बी० सुब्रह्मण्यम,
अवर सचिव, भारत सरकार ।

DELHI DEVELOPMENT AUTHORITY

New Delhi, the 19th November 1966

S.O. 3619.—In exercise of the powers conferred by clause (aa) of sub-section (1) of section 57, read with sub-section (2) of section 5A, of the Delhi Development Act, 1957 (61 of 1957), the Delhi Development Authority, with the previous approval of the Central Government, hereby makes the following regulations, namely:—

1. **Short title.**—These regulations may be called the Delhi Development Authority (Committee Meetings) Regulations, 1966.

2. **Definitions.**—In these regulations, unless the context otherwise requires—

- (a) “Act” means the Delhi Development Act, 1957 (61 of 1957);
- (b) “Authority” means the Delhi Development Authority constituted under section 3 of the Act;
- (c) “Committee” means the committee constituted by the Authority under section 5 A of the Act;
- (d) “Secretary” means the secretary to the Committee.

3. **Meetings of the Committee.**—The committee shall meet at such times and on such days as the presiding officer may decide.

4. **Presiding officer.**—Every meeting shall be presided over by the presiding officer and in the absence of the presiding officer any member chosen by the members from amongst themselves shall preside at a meeting of the committee.

5. **Notice of meeting.**—A notice for a meeting shall ordinarily not be less than three days.

6. Agenda.—(1) The Agenda for every meeting shall be prepared by the secretary in consultation with the presiding officer and in the manner prescribed by the Committee from time to time and shall ordinarily be circulated to the members along with the notice of the meeting.

(2) Any matter not included in the Agenda may with the approval of the presiding officer be placed for the consideration of the Committee.

7. Quorum.—No business shall be transacted at any meeting of the committee unless there are present at least three members.

8. Voting.—(1) Every question brought before any meeting of the Committee shall be decided by a majority of the members present and voting, other than the presiding officer or person acting as presiding officer.

(2) The presiding officer or person acting as such shall not vote in the first instance but shall have and exercise a casting vote in the case of an equality of votes.

9. Recording of votes.—If a poll be demanded, names of members voting and the nature of votes shall be recorded by the presiding officer.

10. Minutes of meeting.—(1) The committee shall cause minutes to be duly entered in a book provided for the purpose.

(2) The minutes of each meeting shall contain a fair and correct summary of the proceedings thereat.

(3) It shall be signed at the ensuing meeting by the presiding officer.

(4) The books containing minutes of proceedings of the meetings shall be open to inspection by any member during office hours.

(5) No person shall be entitled to object to the text of the minutes of any meeting unless he was present at the meeting to which they relate.

[No. F. 2(76)64-GA.]

M. L. MONGIA, Secy.
Delhi Development Authority.

MINISTRY OF MINES & METALS

ERRATUM

In the Ministry of Mines & Metals Notification No. C2-20(5)/65, dated the 3rd November, 1966, published in the Gazette of India, Part II—Section 3—Sub-section (ii), dated the 12th November, 1966, the S.O. No. of the notification should be read as "3407" instead of "1957".

MINISTRY OF TRANSPORT AND AVIATION

(Department of Aviation and Tourism)

New Delhi, the 22nd November 1966

S.O. 3620.—On transfer from the Ministry of Defence, the services of Air Vice Marshal M. S. Chaturvedi, Indian Air Force, have been placed at the disposal of Air-India for appointment as their General Manager, with effect from the forenoon of 21st November, 1966, and until further orders.

[No. 3-CA(11)/66.]

T. ARUMUGHAM, Dy. Secy.

(Department of Aviation and Tourism)

New Delhi, the 24th November 1966

S.O. 3621.—In exercise of the powers conferred by Section 4 of the Air Corporations Act, 1953 (27 of 1953) the Central Government hereby appoints, with immediate effect, Air Vice Marshal M. S. Chaturvedi, General Manager, Air-India, as a Member of the Air-India Corporation vice Shri B. R. Patel, resigned

[No. 3-CA(11)/66.]

V. SHANKAR, Secy.

MINISTRY OF LABOUR, EMPLOYMENT AND REHABILITATION**(Department of Labour and Employment)***New Delhi, the 22nd November 1966*

S.O. 3622.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs. Coimbatore Auto Industries (P) Limited, 6/256, Avanashi Road, Pappanai-ckenpalayam, Coimbatore-1, have agreed that the provisions of the Employees' Provident Funds Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment with effect from the 1st December, 1966.

[No. 8/22/66/PF-II.]

New Delhi, the 23rd November 1966

S.O. 3623.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs. Kohinoor Engineering Works, 1964, 12-12-25/6 Padi Street Vijayawada-1, have agreed that the provisions of the Employees' Provident Funds Act, 1952 (19 of 1952) should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the 1st day of July 1966.

[No. 8(23)/66-PF-II.]

S.O. 3624.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs. United Travels General Sales Agents, Kuwait Airways Corporation, 5-L, Connaught Circus, New Delhi-1, have agreed that the provisions of the employees' Provident Funds Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment with effect from the 1st December, 1966.

[No. 8(33)/66-PF-II.]

New Delhi, the 24th November 1966

S.O. 3625.—In exercise of the powers conferred by sub-section (2) of section 5D of the Employees' Provident Funds Act, 1952 (19 of 1952), and in supersession of the notification of the Government of India in the late Ministry of Labour and Employment No. S.O. 2540, dated the 28th November, 1958, the Central Government hereby appoints Shri K. A. Ansari as Regional Provident Fund Commissioner for the whole of the State of Andhra Pradesh vice Shri J. Viswanatha Reddy.

[No. 17(81)/65-PFI(ii).]

S.O. 3626.—In exercise of the powers conferred by sub-section (1) of section 13 of the Employees' Provident Funds Act, 1952 (19 of 1952), and in supersession of the notification of the Government of India in the late Ministry of Labour and Employment No. S.O. 2541, dated the 28th November 1958, the Central Government hereby appoints Shri K. A. Ansari to be an Inspector for the whole of the State of Andhra Pradesh vice Shri J. Viswanatha Reddy, for the purposes of the said Act and of any scheme framed thereunder in relation to any establishment belonging to, or under the control of the Central Government or in relation to any establishment connected with a railway company, a major port, a mine or an oil field, or a controlled industry.

[No. 17(81)/65-PFI(III).]

DALJIT SINGH, Under Secy.

(Department of Labour and Employment)

New Delhi, the 24th November 1966

S.O. 3627.—In exercise of the powers conferred by sub-section (1) of section 4 of the Dock Workers (Regulation of Employment) Act, 1948 (9 of 1948), the Central Government hereby makes the following Scheme further to amend the Vizagapatam Dock Workers (Regulation of Employment) Scheme, 1959, the same having been previously published as required by the said sub-section, namely:—

1. This Scheme may be called the Vizagapatam Dock Workers (Regulation of Employment) Amendment Scheme, 1966.

2. In the Vizagapatam Dock Workers (Regulation of Employment) Scheme, 1959, (hereinafter referred to as the said Scheme), in clause 7, for sub-clause (4), the following sub-clause shall be substituted, namely:—

“(4) The Board shall submit to the Central Government—

(i) as soon as may be after the first day of April in every year and not later than the thirty-first day of October, an annual report on the working of the Scheme during the preceding year ending the thirty-first day of March together with an audited balance sheet; and

(ii) copies of proceedings of the meetings of the Board.”

3. In the said scheme, after clause 8, the following clause shall be inserted, namely:—

“8-A. *Annual Estimates.*—The Chairman shall, at a special meeting to be held before the end of February in each year, lay before the Board the annual budget as received from the Administrative Body under sub-clause (i) of clause 11 of the Scheme, for the year commencing on the first day of April then next ensuing in such detail and form as the Board may, from time to time, prescribe. The Board shall consider the estimate so presented to it and shall, within four weeks of its presentation sanction the same either unaltered or subject to such alterations as it may deem fit.”

4. In the said scheme, in clause 11, for sub-clause (i) the following sub-clause shall be substituted, namely:—

“(i) the framing of the budget annually, submitting the same to the Board on or before the fifteenth of February in each year and getting it approved by the Board.”

[No. F. 622/1/66-Fac. 2.]

K. D. HAJELA, Under Secy.

(Department of Labour and Employment)

New Delhi, the 25th November 1966

S.O. 3628.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Dhanbad, in the matter of an application under section 33A of the said Act, from Shri Alakhram son of Birbal and 30 others, Mines workers, residents of Wadegaon, District Nagpur, which was received by the Central Government on the 17th November, 1966.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT
DHANBAD

In the matter of a complaint Under Sec. 33A of The Industrial Disputes Act, 1947.

COMPLAINT NO. 1 OF 1963

PARTIES :

Alakhram S/o Birbal and 30 others, residents of Wadegaon, Dist. Nagpur.
Complainants.

Vs.

M/s. D'Costa Brothers, Owners of Wadegaon Mine, Mohan Nagar, Nagpur.
—Opposite Party.

PRESENT :

Shri Raj Kishore Prasad, M.A., B.L. (Retired Judge, Patna High Court),
—Presiding Officer.

APPEARANCES:

On behalf of the Complainant.—Sarvashri N. H. Kumbhare, Advocate and W. D. Sagadeo, General Secretary of the Union.

On behalf of the Opp. Party.—Sarvashri B. A. Udhoji and S. J. Chowdha Advocate, Hubert D'Costa, partner of the Company and M. J. Bansod, Agent of the Mine.

STATE: Maharashtra.

INDUSTRY: Manganese Mine.

Camp: Nagpur, dated the 29th August 1966

AWARD

This complaint under Sec. 33A of the Industrial Disputes Act, 1947, (hereinafter referred to as 'the Act'), was made on 9th January 1963 by Alakhram S/o Birbal and 30 others mine workers working at Wadegaon Mine of the opposite party in Reference No. 6 of 1965 complaining against their dismissals which are alleged to be arbitrary and illegal.

2. The opposite party filed a rejoinder in which their case was that they never prohibited the complainants from work in the mine nor did they terminate their services, rather, as a matter of fact, they themselves abandoned work as they secured alternative jobs elsewhere; that the complainants through their union complained to the R.L.C.(C), Bombay and there was a settlement according to which the complainants were resume work forthwith, but inspite of the settlement the complainants did not resume their duties; on the contrary they made a complaint to the C.O.(C), but before the C.O.(C) the management took the same stand that they were ready to give the complainants work but they did not agree to this agreement, and, therefore, the Conciliation failed; that, thereafter, the Government of India informed both the parties that it did not consider the dispute fit for reference for adjudication as the workmen themselves absented from work with effect from 15th November 1960; that, thereafter, the petitioners made an application on or about 16th February 1961 to the Court of Civil Judge, Junior Division, Ramtek, Authority under the Payment of Wages Act, 1936, in which the management filed a written statement but the said case was still pending; that Reference No. 6 of 1955 is not still pending and therefore, this Tribunal has no jurisdiction to try the complaint; that, therefore, the present complaint is not maintainable.

3. When the case was taken up for hearing at Nagpur on 25th August 1966 and subsequently on 29th August 1966, the complainants were represented at the hearing by S/Shri N. H. Kumbhare, Advocate and W. D. Sagadeo, General Secretary of the Union and Shri Tijoo, Complainant No. 3, was also present in person. The management opposite party were represented by S/Shri B. A. Udhoji, Advocate, S. J. Chowdha, Advocate, Hubert D'Costa, a partner of the Opposite Party; and M. J. Bansod, Agent of the Manganese Mine of the Opposite party.

4. On behalf of the management a petition was filed on 25th August 1966 in which some objection were taken to the maintainability of the complaint which will be dealt with hereinafter. Ultimately, on 25th August 1966 both the parties came to an amicable settlement and it was agreed by the management that they would pay Rs. 20 per head to each of the 31 complainants and in lieu thereof the complainants would not press their reinstatement and the case was adjourned at the instance of the management to obtain the sanction of the Receiver, who had been appointed according to the management in respect of the Mine. On 29th August 1966 when the case was taken up for hearing the compromise was not accepted by the complainants because the amount, offered, i.e., Rs. 20 per head, was too low and as the Tribunal also felt that this amount was so low that it was shocking to the conscience it did not record the compromise but it rejected it.

5. The documents filed on behalf of the management along with the written statement were marked Exts. M to M-2 and the true copy of the brief prepared by the District Court, Nagpur, and certified to be true copy by that Court in Miscellaneous Appeal No. 1 of 63 between Alakhram, complainant No. 1 and the opposite party was marked Ext. W and arguments were heard and award was reserved on 29th August 1966. It may be mentioned here that on 29th August 1966 Shri Chowdha, Advocate appeared for the management opposite as Shri Udhoji was busy in the High Court and could not be free.

Preliminary objection

6. I may dispose of the preliminary objection first. The records of Reference No. 6 of 1955 are not with me on tour at Nagpur as that Reference was not fixed for hearing because it was referred in the Patna High Court by both parties to the arbitration of the then Labour Minister Shri D. Sanjivayya and on that ground the writ applications filed against the order of my predecessor Shri Salim M. Merchant, rejecting this very preliminary objection that he has no jurisdiction to try the Reference on the ground which is urged now and holding that he has jurisdiction to try the same, were withdrawn. On the two Writ Applications being admitted the Patna High Court stayed the further proceedings of the Tribunal, but when they were withdrawn very recently, Reference No. 6 of 1955 remained undisposed of so long for almost eleven years. On enquiry from Shri D. Sanjivayya, if he has given his award, the Tribunal was informed that he refused to arbitrate, but he has referred the matter to the Chief Labour Commissioner (Central) Delhi. The matter, therefore, rests there. On enquiry from the Chief Labour Commissioner, Delhi, to whom a letter has been written, if I know that he has not got Reference No. 6 of 1955 settled it will be fixed for final hearing next time. I am unable to give the date on which the order was passed by Shri Salim M. Merchant over-ruling the preliminary objection taken now but as I have read that order—I remember quite distinctly that such objections were taken and he has over-ruled those objections and held that he has jurisdiction to try the dispute. I may however mention that after Shri P. S. Bindra, the dispute was referred to Shri G. Palit, Presiding Officer of the Central Government Industrial Tribunal, Dhanbad, and; after his premature death in January, 1961, it was taken up by Shri Salim M. Merchant, when he was appointed to decide all the cases from the stage at which he left. It is, therefore, not correct to say that the Tribunal ended when Shri Bindra ceased to function, because, thereafter, the matter was referred to Shri Palit by the Government. None of the parties have filed a copy of the order of Shri Salim M. Merchant on this question but as I know about it I have mentioned it. In face of that order, which is binding on both the parties, it is not open to the management to re-agitate the matter simply because the Tribunal is presided over by a new Presiding Officer. When these facts were brought to the notice of Shri Chowdhra, who appeared for the management and who did not appear to know the facts stated above, he practically conceded that their preliminary objection has no force.

7. It was further contended by Shri Chowdhra in the above connection that this complaint can not be heard by me because it has not been referred to me. I think there is a fallacy in this contention. This complaint was filed on 17th December 1962 before me when I was the Presiding Officer of the Tribunal, and when Reference No. 6 of 1955 was pending before me and which under Sec. 8 of the Act I had jurisdiction to dispose of, but because it was stayed by the Patna High Court I could not dispose it of so long. There is, therefore, no merit in this objection as well.

8. As regards the other objection that no dispute in respect of Reference No. 6 of 55 was pending in view of the settlement dated 16/19th November 1957, the first answer is that the settlement referred to has not been filed, and, therefore, the Tribunal is not in a position to know as to whether such a settlement was made, and, if so, what was its nature. The second answer is that this objection could be taken in the main Reference No. 6 of 1955 itself and not in the present complaint, which has been filed in Reference No. 6 of 1955, which was certainly pending when the present complaint was made and which is still pending and it is not yet disposed of, although it is pending since 1955, due to various reasons, one of which is that the matter was taken from one High Court to another. This objection, therefore, is also rejected.

9. Another objection was that the Receiver has not been made a party to the complaint and therefore it is not maintainable. The Receiver has not appeared personally or through an Advocate and made a petition for being added as a party nor the complainants have made an application to make the Receiver a party in spite of knowing that such a Receiver has been appointed. The complainants took the risk of proceeding with the complaint without adding the Receiver as a party. I pointedly asked Shri Kumbhare, Advocate for the complainants, if any relief, assuming it is granted to the complainants, would be effective without the Receiver and Shri Kumbhare replied that it would be and it would be enforced against the Receiver through the Court. In the circumstances, I do not think the Tribunal was bound of its own accord, against the wishes of the complainants, to make the Receiver a Party to the Complaint, when the complainants themselves evince no desire to do so and when the Receiver does not appear and make an application to be made a party to the complaint. Whatever be the

consequences of not adding the Receiver a party will be suffered by the complainants for which they alone are responsible. Moreover, the management have not mentioned as to when the Receiver was appointed nor have they filled a copy of the order appointing the Receiver or the terms of his appointment and the scope of his appointment. However, be that as it may, in the circumstances, the Receiver cannot be added as a party. I cannot force the complainants to make the Receiver a party.

10. There is no substance in the last objection also, because under the Law there is no prohibition that one complaint cannot be filed by several workmen jointly. The fact, therefore, that one complaint has been filed by 31 workmen who have put their signatures or thumb marks on the complaint, in my opinion, is quite sufficient in law and the complaint on the ground does not become incompetent.

All the preliminary objections are, therefore, rejected.

On merits

11. The point in dispute between the parties is very simple. According to the management they have not prevented the complainants from resuming their duties and from working in the mine but they have themselves abandoned the work as they had secured alternative jobs elsewhere. In support of this allegation they relied solely, and only on the Governments' letter Ext. M in which the Under Secretary to the Government of India, Ministry of Labour & Employment, said that the Government of India do not consider the dispute fit for reference to an Industrial Tribunal for adjudication because the workmen themselves absented from work with effect from 15th August 1960 and further that the management have expressed willingness to take the workmen back with continuity of service but the workmen decline to accept the offer. The management contended that this letter of the Government Ext. M, ousted the jurisdiction of the Tribunal because it operated as *res-judicata*. It was further contended that the Complainants made an application under the Payment of Wages Act, as will appear from Ext. M-1, to which the management filed, a written statement as will appear from Ext. M-2 and the said application is still pending but in course of the argument it was admitted by both the parties that the said application had been dismissed and that order had been affirmed on Appeal by the District Judge also; but in the instant case, neither the order of the first Court nor of the Appellate Court has been filed, but the above facts are admitted and, therefore, it was contended that the said orders will also operate as *res judicata* between the parties. I may at once dispose of the plea of *res judicata* pleaded by the management by saying that none of the above documents or orders debar the Tribunal from deciding the dispute in question because the Tribunal is not bound either by the observation of the Government of India Ext. M or by the decision of First Court or of the Appellate Court under the Payment of Wages Act because they do not operate as *res judicata*. Moreover, the principles of *res judicata* in terms do not apply to an Industrial adjudication. Further, the Authority under the Payment of Wages Act cannot be considered to be a competent authority with concurrent jurisdiction to decide the present dispute because admittedly only the Tribunal under the Act has got the jurisdiction to decide the complaint and none else. For these reasons, the plea of *res judicata*, or, in other words, the plea of bar by judgements raised by the management must be rejected.

12. The case of the complainants is, and has been, that they have been reporting for work before the Manager of the Mines but they have always been refused work and they continued to go to mine for work till 11th September, 1960 but they were not allowed to work at all. In the brief Ext. W, on behalf of the complainants reliance was placed on the evidence of the opposite party non-applicant's witness No. 4, Shri Moreshwar, Agent of the Opposite Party. He was cross examined with respect to Attendance Register which was filed in that case and marked Ext. 87 there. He said, at page 26, para (3), of the Brief Ext. W. as below:

"Workers' attendance is marked every day. Register Ext. 87, is shown to witness On 1st September, 1960 only they are shown to be present in register. Thereafter they are shown as absent. After 25th September, 1960 the names of applicants have not been shown in this register Ext. 87. It is not so mentioned in register that applicants left the work and went away."

13. In my opinion the above statement of the Agent of the Mine is very important because on his evidence it is established that in the attendance register, which was filed in that case, it is not mentioned that these complainants, who or

some of whom were applicants in that case, left the work and went away as is the case of the management at present.

14. The evidence of the Agent in *Ext. W*, at page 26, is also important for another reason. It is not the case of the management anywhere and, at least in the written statement filed before the Tribunal in the present case, that charge-sheets were issued against these workmen and thereafter these complainants were dismissed. But the Agent *at first* at page 25 in para 1 in examination in Chief said as below :

"We had given them notices but they refused to take it. Ext. 54, 55 and 56 are copies of notices. Then I served each with chargesheet. The moment they refused to take them, I affixed all papers on the notice board. Ex. 57 to Ex. 84 are the original copies of chargesheets. Applicants did not give any reply to them within 3 days. Applicants represented to Conciliation Officer. A reply from him came to us. Ex. 85 is the original order of Under Secretary for Labour and Employment. Ex. 86 is the copy of order received from Conciliation Officer, Nagpur."

Thereafter, the Agent in his cross-examination, at page 26, in paragraph (4), said as below:

"(4) Chargesheets are not under my signatures. Manager took decision of chargesheeting them. I told Manager to see that chargesheets were served on all applicants. Chargesheets were written in mines. The chargesheets exhibited were only prepared. I do not know if duplicates of chargesheets were prepared or not. I cannot tell at which places manager served these chargesheets on applicants. As manager told me that applicants have refused to take chargesheets so I say that they have refused. Manager is today present in Court."

Further, the Agent, in para 7, at pages 26-27, stated in connection with the chargesheet, as below :

"7. I told manager to take further action after chargesheets. I do not know what action he took. I told Manager to issue a notice of termination on each applicant. As applicants refused to take rotices so they were affixed on board. I cannot give reason as to why chargesheets and notices were not sent by post."

15. The above statements of the Agent, Shri Moreshwar, completely falsify the case of the management in the present case that the complainants themselves abandoned work because they secured alternative employment elsewhere. Obviously, it is now clear, this defence was thought of probably because the domestic enquiry was illegal or defective and therefore, the management had not the courage to file the domestic enquiry papers and to put forward the chargesheets etc., in support of the dismissals of these workmen, as stated by their Agent referred to above.

16. For the reasons given above, therefore, and, on consideration of the evidence of both sides, I reject the case of the management and accept the case of the complainants that they reported for work to the Mine Manager always but they were never allowed to work and to resume their duties and that it is absolutely false to say that they abandoned their work themselves as they secured employment elsewhere.

17. I may state here that to test the truth and the correctness of the case of the management I asked the management if they were prepared even now at this moment to provide work to these complainants and to take them back in their previous jobs if it is true that the management have had always been ready to give them work and take them back, but the management had not the courage to give a straight answer by saying 'YES' or 'NO' to the question of the Tribunal. They only said in reply that now a Receiver has been appointed, the Receiver should be made a party, and, therefore, the management has no hand. This clearly shows the defence of the management that they were ready, and have always been ready, to give work to the workers is absolutely false and a got up story to defeat the just claim of the workers and they have entirely misled the authorities which gave decisions against the complainants.

18. As on behalf of the management it was not contended that the complaint was not maintainable because there has been no contravention of Sec. 33 of the Act, I do not deal with it.

19. The result, therefore, is that the complaint is allowed and the complainants are reinstated to their previous jobs with full back wages with effect from 15th August, 1960 till their reinstatement with all monetary benefits to which they may be entitled with continuity of service.

20. This award must be implemented within one month from the date the award becomes enforceable under Sec. 17A of the Act after its publication under Sec. 17 of the Act.

21. This is the award which I make and submit to the Central Government under Sec. 15 of the Act.

(Sd.) RAJ KISHORE PRASAD,

Presiding Officer,

Central Government Industrial Tribunal, Dhanbad.

[No. F. 35/23/66-LRI.]

ORDERS

New Delhi, the 23rd November 1966

S.O. 3629.—Whereas in the course of conciliation proceedings the employers in relation to Cochin Port Trust, Cochin and their workmen represented by the Cochin Port Workers' Union, Cochin and Cochin Port Employees' Union, Cochin arrived at a settlement on 9th August, 1965;

And, whereas, in the opinion of the Central Government a doubt has arisen as to the interpretation of the said settlement on the question specified in the Schedule hereto annexed, and the Central Government considers it desirable to refer the question for interpretation;

Now, therefore in exercise of the powers conferred by section 36A of the Industrial Disputes Act, 1947 (14 of 1947) the Central Government hereby refers the said question for decision to the Industrial Tribunal at Bombay constituted under section 7A of the said Act.

SCHEDULE

Whether keeping in view the terms of para 1 of the settlement dated the 9th August, 1965, arrived at between the employers in relation to Cochin Port Trust and their employees represented by the Cochin Port Workers' Union, Cochin and Cochin Port Employees Union, Cochin before the Conciliation Officer (C), Ernakulam termination of the services of casual labour as and when seasonal and other piece work cease to exist each year is in order?

[No. 28(64)/65-LRIV.]

New Delhi, the 25th November 1966

S.O. 3630.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to Messrs C. Laurie and Company, Calcutta and their workmen in respect of the matters specified in the Schedule hereto annexed;

And, whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Calcutta constituted under section 7A of the said Act.

SCHEDULE

Whether, having regard to the nature of the duties performed by them, the watchmen (annexure A) employed by Messrs C. Laurie and Company, Calcutta are entitled to interim relief and D.A. recommended by the Central Wage Board for Port & Dock Workers at Major Ports and, if so, from what date?

Annexure A

1. Sri Surab Khan.
2. Sri Lal Bahadur Newar.
3. Sri Naryan Das.
4. Sri Jit Bahadur Gurung.

5. Sri Prem Bahadur.
6. Sri Purna Bahadur Dwarjee.
7. Sri Bhim Bahadur Newar.
8. Sri Dil Bahadur Chatri.

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| 9. Sri Jamurali Hossain. | 23. Sri Nani Gopal Paul. |
| 10. Sri Gorakh Singh. | 24. Sri Ramani R. Das. |
| 11. Sri S. B. Rana. | 25. Sri Til Prosad. |
| 12. Sri R. N. Prodhan. | 26. Sri Moti Singh. |
| 13. Sri Bal Bahadur Rana. | 27. Sri Md. Jewat Khan. |
| 14. Sri Kharka Bahadur. | 28. Sri Momtaz Khan. |
| 15. Sri Nar Bahadur Tammang. | 29. Sri Dal Bahadur Newar. |
| 16. Sri Tara Singh. | 30. Sri Ratna Das. |
| 17. Sri Ram Bahadur Newar. | 31. Sri Md. Yakub. |
| 18. Sri Satya Seal. | 32. Sri Karna Bahadur Gurung. |
| 19. Sri Lal Bahadur Lama. | 33. Sri Gouranga Dey. |
| 20. Sri Dal Bahadur Soonar. | 34. Sri Amulya Poddar. |
| 21. Shri Dil Bahadur Limbo. | 35. Sri Ranjit Mistry. |
| 22. Sri Pabitra Karmakar. | 36. Sri Jotirmoy Roy. |

[No. 28(116)/66-LRIV.]

CORRIGENDUM

New Delhi, the 24th November 1966

S.O. 3631.—In the Order of the Government of India in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) No. S.O. 3091 dated the 4th October 1966 and published at page 2907 of the Gazette of India, Part II Section 3, Sub-section (ii), in line 17, for “S. R. Chauhan” read “R. S. Chauhan.”

[No. 51(39)/66-LRIV.]

A. L. HANDA, Under Secy.

(Department of Labour and Employment)

New Delhi, the 25th November 1966

S.O. 3632.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, No. 2, Calcutta, in the industrial dispute between the employers in relation to the Selected Searsole Colliery, Post Office Raniganj, Burdwan, and their workmen, which was received by the Central Government on the 21st November, 1966.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, CALCUTTA

REFERENCE No. 19 of 1966

PARTIES:

Employers in relation to the Selected Searsole Colliery,
AND
Their workmen.

PRESENT:

Shri S. K. Sen—*Presiding Officer.*

APPEARANCES:

On behalf of employers: Shri Nikhlesh Das, Advocate.

On behalf of workmen: Shri Parimal Das Gupta.

STATE: West Bengal.

INDUSTRY: Coal Mines

AWARD

By order No. 6/112/64-LRII dated 8th April, 1965, the Government of India referred for adjudication an industrial dispute between the management of the Selected Searsole colliery, P.O. Raniganj, Dt. Burdwan, and their workmen in respect of the following matter specified in the schedule:

“Whether the management of Selected Searsole Colliery was justified in stopping Shri Sunil Kumar Gupta from work with effect from the 30th May 1964 with a view to victimise him for his trade union activities? If not, to what relief is he entitled?”

I may observe at the outset that the wording of the schedule does not appear to be happy. If the management stopped Shri Sunil Kumar Gupta from work with a view to victimise him for his Trade Union activities, the action certainly could

not be justified. Accordingly, the question must be read simply as "Whether the management of Selected Searsole Colliery was justified in stopping Shri Sunil Kumar Gupta from work with effect from the 30th May 1964? If not, to what relief is he entitled?"

2. The Selected Searsole colliery was closed on and from 24th February, 1963 on account of dangerous accumulation of heated gas with apprehension of immediate outbreak of fire. The normal working of the colliery was not resumed until July or August 1964. In the meantime, before the Conciliation Officer (C), Raniganj, there was on 17th October, 1963, an agreement between the management represented by the Agent, Shri H. L. Tandon of the Selected Searsole Colliery, and the workmen represented by Shri Robin Chatterjee, Vice-President, Colliery Mazdoor Sabha, P.O. Toposi, Dt. Burdwan. Among other terms, it was agreed that all the workmen who had been retrenched or laid off would be paid their dues till 19th October 1963 and thereafter granted leave; and also that the principle of seniority would be followed in re-employing the workmen. After the agreement and before the actual restarting of the regular working of the mine, preparatory work, e.g., building or repairing fire stopping walls, laying or repairing of tracks, etc. was going on.

3. Shri Sunil Kumar Gupta, the workman over whom this dispute has arisen, joined the service of the colliery in 1945 as an ordinary assistant and he became Headclerk a few years later. At the time of the closure of the mine (24-2-63) he was working as Headclerk and had put in about 18 years service. According to both sides, he was laid off when the mine closed working in February, 1963. On 19th March, 1964, he was directed by a letter (Ext. 2) to report for duty to the Manager as his services were required temporarily for office work in connection with the preparatory stage of work for reopening of the mine. Sunil Gupta sent a letter of protest (Ext. 3) but he joined his post on 19th March 1964, i.e. as soon as he had received the letter of appointment. It appears from the numerous letters proved or admitted in the case that the relationship between the parties after Sunil Gupta had joined after the closure was not particularly happy, at least from 26th April 1964. On that day Sunil Gupta was asked by letter (Ext. 4) by the Agent to make up the arrear work connected with Provident fund within a month. Sunil Gupta replied by letter dt. 26/27th April 1964 (Ext. 5) that he had already got sufficient work and he guessed that in order to harass him for his Trade Union affiliation this sort of work was being thrust on him and his work load increased in a pre-planned manner. The management naturally was annoyed to receive such a letter and the Agent wrote back on 3rd May 1964 (Ext. 6) pointing out that the tone of Sunil Gupta's letter was objectionable. The agent also stated that he did not care about the trade union activities, if any, of Sunil Gupta but was only interested in getting proper work from him and that the Provident fund work must be given the first place and that other work might be kept pending. Sunil Gupta replied on 7th May 1964 (Ext. 7) complaining again that the management was making his life hell by harassment, ill treatment and increased work load. He also complained that his work as Head clerk had been assigned to Murali Dhar Mukherjee and that he himself was being asked to do a job which he had never done and that even though he was trying to do the job, he must have time to learn, it. Sunil Gupta sent copies of this letter to various authorities, e.g., to the Conciliation Officer, Raniganj, Regional Labour Commissioner and other authorities, in fact, it appears that Sunil Gupta had formed the habit of sending copies of all his letters to the Manager or the Agent to these authorities. The manager wrote on 12th May 1964 (Ex. 12) referring to the Agent's letter of 3rd May 1964 (Ex. 6) enquiring about the progress of the work given to Sunil Gupta relating to Provident fund. Sunil Gupta's reply (Ext. 13) dated 17th May 1964 is in an uncompromising spirit. He stated therein that he had already replied to the company's enquiry and that the manager had not taken proper steps so that Sunil Gupta might work smoothly. The manager by his letter dated 20th May 1964 (Ext. 14) directed among other things that Sunil Gupta should report within 48 hours what progress he had made in the Provident fund work. Sunil Gupta's reply (Ext. 15) dated 27th May 1965, so far as it concerns the Provident fund work, simply was that the manager could see his earlier letter wherein he had explained everything. In that letter, again Sunil Gupta charged the conduct of the management with being motivated, pre-planned and carried on with ulterior motives.

4. It was on 27th May 1964 that according to Sunil Gupta he was not permitted by the Coal Despatch clerk Anil Chatteraj to sign the attendance register. Sunil Gupta's evidence is that the attendance register remained in charge of Anil Chatteraj and on 27th May 1964 when Sunil Gupta asked for the same, Anil Chatteraj stated that the attendance register was missing; that Sunil Gupta brought the fact to the attention of the Manager but the manager took no action; that he

went for work until the 30th May, 1964, but was not allowed to sign the Attendance Register, and that after 30th May 1964, he was not allowed to join his post at all. In his written statement, Sunil Gupta's case is somewhat different, viz. that on 27th May 1964 the management did not allow him to join his duty and sign the Attendance Register; that on 28th May 1964, the mine office was closed on account of the death of Pandit Jawaharlal Nehru; that on 29th May 1964, he went to join his duty, but was refused permission by the management; and that on 30th May, 1964 he sent a letter protesting against the action of the management, and his case was taken up by the union. The management's case is that from 27th May 1964 Sunil Gupta did not attend the office. The reference by the Government is based on the assumption that the management kept Sunil Gupta from his work from 30th May 1964.

5. In the meantime, before 30th May 1964 there was hitch between management and Sunil Gupta over two other matters. Firstly, there was the incident of missing of a file relating to bonus and another file relating to Provident Fund on 5th May 1964 and their discovery on 6th May 1964 at the bottom of the last drawer of Sunil Gupta's almirah under other files when the manager caused a thorough search of the drawers and almirah to be made by other office staff. On 5th May 1964 a chargesheet (Ext. 8) was served on Sunil Gupta for being responsible for the missing of two important files relating to bonus and Provident Fund because he alone was in possession of both the keys of the Almirah in which the files were kept. After the discovery of the two files a revised chargesheet (Ext. 10) was served on Sunil Gupta on 7th May 1964, wherein it was stated that on 5th May 1964 Sunil Gupta had refused to carry out the manager's order for submitting a written report about the fact of two files being missing and that on 6th May 1964 on being asked by the manager to make a thorough search of the drawers of the almirah, Sunil Gupta refused to do so and the search had to be conducted by other staff. Sunil Gupta in his reply dated 14th May 1964 (Ext. 11) denied the charges and again made allegations against the management for being malicious and for resorting to baseless and false charges, and complained that he was being victimised.

6. The other matter relates to mistakes made in the monthly return. Ext. 14 is a letter from the Manager dt. 20th May 1964 wherein the manager stated that it was a matter of regret that the Department of Mines should repeatedly point out discrepancies in the monthly return prepared by Sunil Gupta for the month of February 1964; and a chargesheet dated 20th May 1964 (Ext. 16) was served on Sunil Gupta for his inefficiency and lack of sincerity shown by his making mistakes in the monthly return and failing to prepare revised returns. Sunil Gupta's reply (Ext. 17) is dated 27th May 1964. Therein he denied the charges; stated them as malicious and asked the Manager to withdraw them. Then he was stopped from joining his work, and the matter was taken up by the Union, the Colliery Mazdoor Sabha.

7. The management's case is that since the last part of April 1964 when Sunil Gupta was asked to do work in connection with the maintenance of records required under Coal Mines Provident Fund Act, he took up an obstructive and quarrelsome attitude and shirked work under the plea that he was being victimised. The management denied that they had kept Sunil Gupta from work from 27th May or 30th May 1964. Their case on the other hand is that Sunil Gupta himself failed to attend his office from 27th May 1964 and that the management by a letter dated 3rd June 1964 directed Sunil Gupta to show cause for absence without leave and by another letter dated 7th June 1964 (Ext. 20) denied the allegations made by Sunil Gupta in his letter dated 30th May 1964 and called upon Sunil Gupta to explain within 3 days why disciplinary action should not be taken against him for absence without leave. No satisfactory reply having been given by Sunil Gupta, 16th June 1964 was fixed for holding the enquiry. According to the management's case, Sunil Gupta failed to turn up on that day while according to Sunil Gupta he appeared but there was no enquiry on that day. Ext. 23 dated 16th June 1964 is a letter from the manager informing that the adjourned enquiry would be held on 24th June 1964 at 9 A.M. Thereafter, the management received Sunil Gupta's letter Ext. 21 dated 11th June, 1964 wherein he denied that he was wilfully absenting himself and reasserted that the management had illegally stopped him from work. It may be mentioned that the parties were at that stage exchanging letters by registered post and naturally there were some delay in the letters reaching their destination. By the letter Ext. 24 dated 23rd June 1964 the management acknowledged Sunil Gupta's letter of the 11th June, notified 12th July 1964 at 9 A.M. for enquiry into the charges against Sunil Gupta and at the same time desired Sunil Gupta to report for duty. Sunil Gupta's case is that whenever he received a letter asking him to rejoin his duties, he went to join but was kept out by the management; whereas the management's case is that in spite of these letters inviting him

to rejoin, Sunil Gupta never cared to come and rejoin. Ext. 26 dated 27th June 1964 is Sunil Gupta's reply to the management's letter of 23rd June 1964. Therein he said nothing about any attempt to rejoin but stated that since 30th May 1964 the management had illegally stopped him from work and that all allegations in the management's letter were baseless and mala fide. The management's letter Ext. 27 dated 27th June 1964 written after the management had got the postal acknowledgment receipt in respect of their letter dated 23rd June 1964, again desired Sunil Gupta to rejoin his duties at once. Sunil Gupta's reply date 1st July 1964 is Ext. 28. He replied that the management was adopting a pre-planned method for harassing him but he said nothing about whether he wanted to rejoin or had tried to rejoin. As regards the enquiry of 12th July 1964, however, Sunil Gupta said in his letter, Ext. 29, that he attended office on 12th July 1964 but was told that no enquiry would be held on that day as the enquiry had been completed before by the management. The management's reply to that letter is Ext. 30 dated 31st July 1964, stating that on 12th July 1964 the Enquiring Officer after waiting a long time for Sunil Gupta had to conduct the enquiry ex-parte, as Sunil Gupta did not turn up. In that letter dated 31st July 1964 the management once again invited Sunil Gupta to return and join his duties within 3 days of the receipt of the letter. Sunil Gupta by his letter dated 5th August 1964, Ext. 31, stated that he would be happy to resume his work; and by his letter dt. 6th August 1964, Ext. 32, he stated that he went to join his duties on that day 6th August 1964 but had been kept out. Finally there is management's letter dated 11th August 1964 (Ext. 33) wherein the agent of the colliery stated that taking a compassionate view the management had decided not to take action against Sunil Gupta although he was guilty of the charges framed against him and directed Sunil Gupta to report for duty within 3 days of receiving the letter, adding that any further absence from duty would be seriously dealt with. In this instance again, the management's case is that Sunil Gupta never turned up but Sunil Gupta's case is that he went on Sunday, 16th August, 1964 to join but was not permitted to join. Sunil Gupta said so in his letter dated 17th August 1964 (Ext. 35).

8. In the meantime the case had already been taken up by the Colliery Mazdoor Sabha and there was hearing before the Conciliation Officer (C), Raniganj, during August, September and October 1964. There was no agreed settlement before the Conciliation Officer and the case was, therefore, reported to Government and ultimately referred for adjudication.

9. The first point for decision is whether the management was justified in stopping Sunil Gupta from work from the 30th May, 1964. This involves the question whether it was the management who stopped Sunil Gupta from work or whether it was Sunil Gupta who voluntarily absented himself. Sunil Gupta's attitude from the last part of April 1964 towards his employers cannot be regarded as at all satisfactory. Reference has already been made to his letters which are extremely unsatisfactory and insolent in tone, and it is clear from the perusal of all the letters relating to Provident fund work that Sunil Gupta deliberately avoided doing any work in the Provident fund file although asked by the management to do so. His complaint was that he was working as the Headclerk before the closure whereas after the closure he was being made to work like an ordinary clerk whereas one Murlidhar Mukherjee, an outsider that is a person not in service of the colliery before the closure, had been appointed by the management and was doing work of the Headclerk. Sunil Gupta however admitted that he was given the same pay as before the closure and that he was given the designation of Headclerk. The manager, who deposed in the case, explained that when Sunil Gupta rejoined after the closure there was only one other clerk, Anil Chatteraj, and the mine was still not working and necessarily the work was limited and Sunil Gupta recalled to duty as the senior most clerk necessarily would have to do any arrear work which he was directed to do. In the circumstances, he could not expect merely his Headclerk's duty which he had when the office was working in full swing and the assistants were doing the actual work under his supervision. The Manager further stated that Murlidhar Mukherjee was the personal assistant attached to the Mining Expert M. K. Bose whose services had been requisitioned for advice for restarting work at the colliery. Sunil Gupta admitted the mining Expert's work at the colliery. The manager's evidence about Murlidhar must be accepted. Shri Parimal Das Gupta argued on behalf of the workmen that the manager's evidence that Sunil Gupta did not do any work at all in the Provident fund file should not be accepted. But the letters of Sunil Gupta already referred to in stating the case (Ext. 5, 7, 13 and 15) clearly indicate that Sunil Gupta had no inclination for doing the Provident fund work; he evaded the question by the agent or the manager relating to his progress in making up the arrears in the Provident fund file. These letters must lead to the clear inference that he had done little or no work in that file.

10. Shri Parimal Das Gupta has urged that the management had grudge against Sunil Gupta as the latter had become the President of Selected Searsole Colliery unit of the Union, Colliery Mazdoor Sabha. In some of his letters Sunil Gupta made such an allegation but the management replied that they were not concerned about Sunil Gupta's union activities. It is true that the Manager said that the management did not recognise the Colliery Mazdoor Sabha, and did not see that union functioning; but had to admit that agreement, Ext. 1, had been concluded with that union, and that during Conciliation proceedings, he had to deal with letters from that union received through the Conciliation officer. But a perusal of the letters proved in the case clearly goes to show that the management was being estranged by the conduct of Sunil Gupta himself and not because of any activity of Sunil Gupta in respect of the trade union. Shri Parimal Das Gupta has urged that the management showed its bias from the very beginning when in the letter (Ext. 2) 19th March 1964 recalling Sunil Gupta to duty, the agent stated that Sunil Gupta's service were required temporarily. Shri P. Das Gupta has urged that Sunil Gupta as a laid off worker could be recalled only to his permanent post and not assigned a temporary post. The manager in his deposition has explained that the work of the mine was closed at the time and it was not known when the work would begin again at full swing; that Sunil Gupta's services which were required at the time for making up certain arrears might not be continued permanently. While there is some substance in this explanation, I must agree with Shri Parimal Das Gupta that Sunil Gupta had to be recalled to his permanent job and not appointed temporarily; and if necessary, he might be laid off again when there was no longer any work for him. But, even if the use of the word 'temporarily' in the letter, Ext. 2, might have been improper, that does not indicate any bias against Sunil Gupta on account of his trade union activity.

11. Shri Parimal Das Gupta has urged that the management showed their bias also by the repeated chargesheets served on Sunil Gupta. One chargesheet was served on 5th May (Ext. 8), another on 7th May (Ext. 10), another one on 20th May (Ext. 16) and in respect of Provident fund work also he was asked to explain within 48 hours what he had done, by the management's letter dated 20th May 1964 (Ext. 14). It has got to be held however that Sunil Gupta brought the chargesheets on himself by his conduct. Sunil Gupta has not denied that on 5th May 1964 he reported loss of two important files namely a file relating to Bonus return and a file relating to Provident fund. If the files were in the Almirah under the exclusive control of Sunil Gupta it was natural that he should be charged for the loss of the two important files, and if on 6th May 1964 he refused to make a thorough search of the drawers of his Almirah when asked by the manager and the search had to be made by other office staff and the files found at the bottom of one of the drawers, it is natural that Sunil Gupta should be asked to explain his conduct. The first two chargesheets, therefore, even though in his written replies Sunil Gupta denied the allegations contained therein, appeared to have been natural and they do not show any bias. As regards the 3rd chargesheet relating to mistakes made in the monthly return for February 1964, it may be conceded that this chargesheet possibly would not have been drawn up if the relationship between the parties had been smooth and cordial. But Sunil Gupta had taken up an obstructive and insolent attitude and it was not un-natural that the management should have been annoyed and drawn up a chargesheet whenever a fault was found.

12. In view of the nature of the evidence, I do not find any reason for holding that the management had any intention to victimise Sunil Gupta for his trade union activities, but whatever action was taken by the management arose because of the nature of work and conduct of Sunil Gupta from the last part of April 1964.

13. The question next to be decided is whether Sunil Gupta voluntarily absented himself from duty from the end of May 1964 or he was kept out from his work by the management. On this point there is conflicting evidence of the two parties and the documents already referred to reflect the two conflicting cases. Shri Parimal Das Gupta urged that Sunil Gupta had already put in 18 years service before the closure and his emoluments were about Rs. 250 per month and there is no reason why Sunil Gupta should deliberately give up his job by voluntarily absenting himself from his post from the end of May 1964. On behalf of the management it was suggested that Sunil Gupta had lost his wife and two of his sons are already in service and Sunil Gupta, therefore, had no further interest in work. I do not, however, think that this suggestion can be accepted. For the management it has been said that Sunil Gupta from the beginning was sending copies

of his letters to the management to the Conciliation Officer and other officers of the Labour Ministry and he was apparently preparing the ground for a hitch and a dispute with the management. But, on the other hand, it must be pointed out that though Sunil Gupta said definitely in the course of his evidence that Anil Chatteraj the Coal Despatch clerk did not let him sign the attendance register on 27th May 1964 saying that the register was missing, Anil Chatteraj was not examined as a witness for the management to rebut this statement, and the manager himself made the somewhat lame suggestion that in view of the fact that there was only one or two assistants in the office no attendance register was kept. In my opinion, an adverse inference should be drawn from the failure to examine Anil Chatteraj. Further, there is the conduct of the management subsequent to 30th May 1964. Sunil Gupta's conduct in refusing to do the Provident fund work assigned to him by the management and the continued objectionable tone in his letters to the management would justify his dismissal after regular proceedings. The management, however, went on inviting Sunil Gupta to rejoin his post even though the management was suggesting at the same time that Sunil Gupta was keeping away deliberately, which would be another offence under the Standing Orders. Exhibit 24 dated 23rd June 1964, Ext. 27 dated 27th June 1964 and Ext. 33 dated 11th August 1964 are some of the letters from the management asking Sunil Gupta to rejoin. The manager in the course of his deposition has explained that as Sunil Gupta was an old servant of the colliery and because of humanitarian considerations, the management was giving him the chance to come back and join his duties. This explanation is hardly acceptable, and my conclusion is that the management felt themselves in a weak position because Sunil Gupta had been kept out of work not as a result of suspension or dismissal made after a domestic enquiry on a regular chargesheet but arbitrarily. I therefore conclude that the management had stopped Sunil Gupta from work. As regards the date from which Sunil Gupta had been stopped from working, there is some discrepancy but the date 30th May 1964 is stated in Sunil Gupta's letter dated 27th June 1964 (Ext. 26) and the fact that the order of reference mentions that date indicates that before the Conciliation Officer that was the date mentioned by the parties. I, would, therefore, hold that Sunil Gupta has been kept out of work from 30th May 1964.

* 14. Next there is a question as to the relief to which he is entitled. I have already stated that Sunil Gupta's conduct was very unsatisfactory from the last part of April 1964 and the management would have been justified in dismissing him after serving a chargesheet and holding a proper domestic enquiry. But the management, of course, cannot be held justified in arbitrarily keeping him from work when no such proceeding was drawn, and even an order for suspension was not there. I find it difficult to believe Sunil Gupta's evidence that whenever he received a letter from the management asking him to rejoin, he tried to rejoin his post but was kept out by the management. Sunil Gupta's case was already before the Conciliation Officer and in the meantime it is unlikely that Sunil Gupta would act upon any offer by the management to rejoin and thus weaken his case before the Conciliation Officer. Sunil Gupta admitted that even before the Conciliation Officer the management's representative asked him to rejoin his post, and he deposed that after 16th of August he did not go to join his work at the colliery. The management produced a letter Ext. C dated 24th October 1964 addressed by the agent to the Conciliation Officer wherein it was stated that the management was still prepared to offer employment to Sunil Gupta. At that stage clearly Sunil Gupta did not go to rejoin his duty, as is clear from Sunil Gupta's own evidence.

15. In view of my finding that the management arbitrarily kept Sunil Gupta from work, Sunil Gupta is entitled to an order for reinstatement in his post. In view of his conduct, however, I must hold that he is not entitled to full remuneration during the period of unemployment. He may at most be given lay-off benefit from 30th May, 1964, i.e., 50 per cent of his remuneration for 45 days but until he rejoins he should be treated as on leave without pay.

16. My award, therefore, is that the management of Selected Searsole Colliery was not justified in stopping Sunil Kumar Gupta from work from the 30th May 1964, although he was not stopped from work with a view to victimise him for his trade union activities but because of his obstructive and insolent conduct in the course of his duties. Sunil Gupta is entitled to reinstatement and must be offered his post within 15 days of the date of publication of this award. The management shall not be entitled to draw up proceedings for Sunil Gupta's conduct between 19th March 1964 and 30th May 1964 after Sunil Gupta has rejoined,

but the parties must try to start with a clean slate in their relationship. He will be treated as on leave without pay from 30th May, 1964 until the date of his rejoining except that he will receive half his pay and remuneration for 45 days. No order is made as to costs.

Let this award be submitted to Government.

(Sd.) S. K. SEN,
Presiding Officer.

Dated the 17th November, 1966.

[No. 6/112/64-LRII.]

S.O. 3633.—In pursuance of section 17 of the Industrial Disputes Act, 1947, (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, No. 2, Calcutta, in the industrial dispute between the employers in relation to the Neamatpur Workshop of Messrs Equitable Coal Company Limited, and their workmen which was received by the Central Government on the 21st November, 1966.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2 CALCUTTA

REFERENCE NO. 21 OF 1966

PARTIES:

Employers in relation to the Neamatpur Workshop of M/s. Equitable Coal Company Ltd.,

AND

Their workmen.

PRESENT:

Shri S. K. Sen.—Presiding Officer,

APPEARANCES:

On behalf of the Employers.—Shri S. K. Bhattacharjee, Labour Advisor.

On behalf of Workmen.—Shri S. N. Banerjee, Advocate.

STATE: West Bengal.

INDUSTRY: Coal Mines.

AWARD

The Government of India under Order No. 6/35/66-LRII dated 12th April, 1965 referred for adjudication the industrial dispute existing between the employers in relation to the Neamatpur Workshop of Messrs Equitable Coal Company Limited and their workmen in respect of the matter specified in the following schedule:

- (1) Whether the termination of services of Srimati Durga Bowrin, Surface Kamin of Neamatpur Workshop of Messrs Equitable Coal Company Limited on medical ground was justified?
- (2) If not, to what relief is she entitled?

Durga Bowrin has been described as Surface Kamin of Neamatpur Workshop in the above schedule. The management at the hearing gave evidence to show that she was a mason's kamin, i.e., a female labour helping a mason, her duties consisting of carrying of bricks, sand, etc., for facilitating the work of the mason to whom she was attached. On behalf of the workmen, however, the evidence is that at least for some years before her discharge, she was working as a Sweeper, being engaged in sweeping out the factory premises and also in removing ashes from the furnaces. PW. 2, Kalipada Bowri, examined for the workmen, stated that many year before, when she was stronger, she used to work as mason's kamin, but for quite a long time she had been working as a Sweeper for cleaning the workshop. This evidence appears to be acceptable.

2. The nature of the work, however, which Durga Bowrin was performing before her discharge does not really make much difference. According to medical evidence, Durga Bowrin was found unfit for whatever work she was doing just before her discharge. As regards the medical evidence as to her condition, there is not only the examination report, Ext. B, and the letter of the Superintendent, Medical Service, Ext. C, but also the evidence of OPW 1, Dr. B. B. Mukherjee, Physician incharge of Sanctoria hospital who must be regarded as a qualified and competent medical officer having not only passed the M.B., B.S., of

Calcutta University with credit but being M.R.C.P. of both London and Edinburgh. Durga Bowrin was sent to Sanctoria hospital for examination on 6th April, 1964. At that time, according to evidence of Dr. Mukherjee, Durga Bowrin was about or over 60 years of age and she was unfit for work due to old age, general debility and improper impaired vision. In the note of examination, Ext. B, this opinion under the signature of Dr. Mukherjee is recorded. In Ext. B, it appears also to be recorded that the patient expressed unwillingness to work further due to her physical condition. This was not however recorded by Dr. Mukherjee but by another doctor of Sanctoria hospital who assisted him, namely, Dr. N. Banerjee. Dr. Mukherjee himself did not remember whether Durga Bowrin had made the statement in his presence, although he added that unless the patient had made such a statement, the statement would never find place in the examination report. Ext. B. As Dr. Banerjee was not examined, this statement in the certificate, Ext. B. must be left out of consideration, but there remains the opinion of Dr. Mukherjee and the result of the examination recorded in Ext. B. No contrary medical opinion was obtained by Durga Bowrin and no doctor has been examined on her behalf. The evidence of Dr. Mukherjee, therefore, remains unchallenged.

3. It should be stated here that Durga Bowrin deposed as a witness before the Tribunal, being PW 1, and she appears to be very old, being over 60 years of age and with wrinkled skin all over her body, and looking quite infirm and clearly with defective vision. Shri S. N. Banerjee appearing for the union frankly confessed that in her present state of health, he could not press for her reinstatement, but he argued that her present weak condition is due to the fact that she has been short of food during the period of nearly 3 years since the date of her discharge 23rd April, 1964, and that she was fit for one year or more after her discharge and that she is, therefore entitled to compensation. In view of the evidence of Dr. Mukherjee, it must be held that she was not fit for work at the time of her discharge on 23rd April, 1964. In the written statement for the union, it was stated that after her cataract operation at Kalla hospital she was fit for work and the management allowed her to do her job, and that thereafter she served without being absent for illness, and that the company chose the old workman for discharge in order to avoid payment of gratuity which burden might be imposed as a result of a Government order on the report of the Coal Industry Wage Board. The management led evidence to show that after her absence from 28th January, 1963 to 29th April, 1963 for cataract operation, she was absent again from time to time until she was sent for medical examination to Sanctoria hospital. OPW 2, Biman Behari Chatteraj, the Works Manager of Neamatpur Workshop, stated that Durga Bowrin was ill again after cataract operation from 30th July, 1963 to 8th August, 1963, from 17th October, 1963 for 3/4 days, from 2nd March, 1964 to 24th March, 1964 and then again from 26th March, 1964. Thus after being absent on leave on the ground of illness from 2nd March, 1964 to 24th March, 1964, she joined for only one day, on 25th March, 1964, and was absent again being unable to work on account of general weakness from 26th March, 1964 and it was at that stage that the management decided to send her to the medical officer at Sanctoria hospital for report as to her fitness. In support of the evidence of Shri Chatteraj, the management proved the counterfoil of sick certificate of 26th March, 1964. Ext. D-1 and counterfoil of fit certificate of 25th June, 1964, Ext. D-2, the latter stating that Durga Bowrin was absent on ground of illness from 2nd March, 1964 to 24th March, 1964. Both these counterfoils are written by the medical officer of the workshop, but they are countersigned by the Workshop Manager Shri Chatteraj and the facts are within his knowledge according to his evidence. It is, therefore, not correct that after she returned from three months' leave after undergoing a cataract operation, Durga Bowrin continued throughout in a fit state of health. Union relied only on the oral evidence of Durga Bowrin herself, PW 1, and on PW2, Kalipada Bowri, also a workman of the workshop and a resident of same 'Para' as of Durga Bowrin. Durga Bowrin no doubt claimed that she was fit for work when she was discharged, but Kalipada Bowri's evidence on the point is not clear. He stated that he had been working at the workshop for 28 or 29 years and that he saw Durga Bowrin working when he joined; that he used to see her going about the workshop doing her work but he did not know what happened thereafter. It is clear, therefore, that Kalipada Bowri was not really acquainted with the conditions under which Durga Bowrin was discharged. It is true that he stated as a result of further questioning that Durga Bowrin was in a better state of physical health when she was discharged and that at present she had become much weaker because of insufficient food. This statement, however, appears to be the result of after thought. Moreover, there is evidence that Durga Bowrin received a good sum of money from the Employees Provident fund when she was discharged. Durga Bowrin's own evidence is that she got Rs. 1300/-. Kalipada

Bowri put the figure as Rs. 1351/-. He stated that Durga Bowrin spent the Provident Fund money partly in repaying some debts and partly to maintain herself and that she was at present living on the charity of her fellow castemen, the Bowris. From his evidence in cross examination, it appears that though Durga Bowrin has no child of her own and has lost her husband, she brought up one boy Dharani Bowri who called her 'mashi' or 'aunt'. Though he added that Dharani was living in a separate house and was not looking after Durga Bowrin, this appears to be hardly likely. From the evidence of Kalipada Bowri it also appears that Durga Bowrin possesses a house of her own in the Bauripara although it may be, as Sri Banerjee stated, a kutchra one with mud walls. She, according to her own evidence and according to the evidence of Kalipada Bowri, is continuing to live at Bauripara near the Neamatpur workshop, and even if she has spent her Provident fund money, there is no reason to think that she is short of food for her fellow castement are helping to maintain her. I must therefore conclude that her present health is not much worse than when she was discharged and there is no reason to disbelieve the case of the management and the evidence of Dr. Mukherjee that Durga Bowrin was unfit for work at the time of her examination and therefore at the time of her discharge by the management.

4. As regards the union's suggestion that the company wanted to avoid payment of gratuity which might in future be payable to retiring workman, I do not think that there is any substance in the same. It was elicited from PW 2 Kalipada Bowri in cross examination that there are employees at the workshop over 60 years of age who have been serving for a long time and that there are people working for longer than the witness (who has been working for 28 or 29 years) and that they have not been chosen for discharge. There is no reason to think that Durga Bowrin was arbitrarily discharged in order to avoid payment of retiring benefits which might in future be payable.

5. In connection with the discharge of Durga Bowrin, another point raised on behalf of the union is that discharge on medical grounds is not provided for in the Standing Orders of the Company; that no proceedings were drawn up against Durga Bowrin on account of inability to work properly because of physical debility and that in the circumstances the discharge was bad. It is true that it is not expressly provided in the Standing Orders of the company that a workman may be discharged on the ground of old age or physical debility incapacitating him or her from work. It is however a common sense that when a workman on the ground of illness or physical debility or old age has become unfit to discharge his duties, his contract for service cannot be continued but must come to an end. It is the inherent right of the employer to discharge workman who are so old that they cannot work competently or who on account of illness has become permanently unfit. This view finds support from a decision of Supreme Court 1961-LLJ-213 (at page 216-17) (Workmen of the Bangalore Wool'en, Cotton and Silk Mills Company Limited Vs. its management). There in the Supreme Court lays down that where the workman has become unfit to discharge his duties on the ground of illness or old age, the contract of service is at an end and in such a case the order for discharge without proceedings is justified and the workman is not entitled to any benefit when he is retrenched. It must be held, therefore, that the discharge was not bad merely because there is not express provision for discharge in such circumstances in the Standing Orders of the Company or because no proceeding was drawn up before the order of discharge. It was sufficient that the management satisfied itself by obtaining competent medical opinion that the workman had become unfit for duty and that it was not a case of temporary illness after which she would become fit again.

6. It must, therefore, be found that the termination of service of Durga Bowrin was justified as it was on adequate medical grounds.

7. The second question as to what relief is she entitled does not arise because the question of relief, according to schedule, is only to be considered if the termination was not justified. Shri Banerjee arguing for the union has urged that it is within the competence of the Tribunal to award some retiring benefit even though such benefit is not included within the terms of service and is not provided for in the Industrial Disputes Act. It may be that in cases where the question of retiring benefit is directly a matter of dispute between the parties and the question is definitely referred to the Tribunal for adjudication, the Tribunal may award some retiring benefit even though such benefits are not within the terms of employment or provided by the Industrial Disputes Act. In the present case there has been no such dispute relating to the retiring benefits between the parties and no such dispute has been referred for adjudication. Accordingly, I cannot agree that this

Tribunal is competent to award any retiring benefit to Durga Bowrin. The question propounded in the schedule must therefore be answered as follows:—

(i) that the termination of services of Durga Bowrin was justified being on sufficient medical ground; and

(ii) in the circumstances, the question of relief does not arise.

This must be the award in the case. Let this be submitted to the Government for necessary action.

The parties will bear their own costs though I must observe that the Union should not have made a dispute out of the discharge of the old and infirm worker.

Sd/- S. K. SEN,

Presiding Officer.

[No. 6/35/66-LRII.]

Dated, 17th November 1966.

ORDER

New Delhi, the 24th November 1966

S.O. 3634.—Whereas the employers in relation to Radhamadhabpur Colliery of Messrs Ghusick and Muslia Collieries Limited, Post Office Kalipahari, District Burdwan and their workmen represented by the Colliery Mazdoor Sabha, G.T. Road, Asansol, have jointly applied to the Central Government under sub-section (2) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), for reference to a Tribunal of an industrial dispute that exists between them in respect of the matter set forth in the said application and reproduced in the Schedule hereto annexed;

And whereas the Central Government is satisfied that the said Colliery Mazdoor Sabha represents the majority of the workmen.

Now, therefore, in exercise of the powers conferred by sub-section (2) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal No. 2, Calcutta, constituted under section 7A of the said Act.

SCHEDULE

Whether the dismissal of Shri Ainul Khan, a worker of Radhamadhabpur Colliery of Messrs Ghusick and Muslia Collieries Limited, was justified? If not, to what relief is he entitled?

[No. 8/118/66-LRII.]

HANS RAJ CHHABRA, Under Secy.

(Department of Labour and Employment)

[Office of the Chief Labour Commissioner (Central)]

ORDER

New Delhi, the 23rd November 1966

S.O. 3635.—Whereas an application has been made by the establishment carrying on operation concerning coal mine mentioned in the Schedule below for extension of the period specified in clause (b) of section 19 of the Payment of Bonus Act, 1965 (No. 21 of 1965), for the payment of bonus to the employees of the said establishment, for the accounting year ended on the 31st December, 1965;

And whereas Chief Labour Commissioner is satisfied that there are sufficient reasons so to do;

Now, therefore, in exercise of the powers conferred by the proviso to clause (b) of section 19 of the said Act, read with the notification of the Government of India in the Ministry of Labour and Employment No. WB-20(42)/65 dated the 28th August, 1965 I, O. Venkatachalam, Chief Labour Commissioner hereby extend the period within which the said bonus shall be paid by the establishment to 12 (twelve) months from the close of the accounting year ended on the 31st December, 1965.

THE SCHEDULE

1. Coal Products Pvt. Ltd., 21
Circus Avenue, Calcutta-17.

(In respect of Victory Colliery
G. L. Group).

[No. BO-25(3)/1/66-Vol. I.]

O. VENKATACHALAM,

Chief Labour Commissioner (Central).

(Department of Labour & Employment)

New Delhi, the 24th November 1966

S.O. 3636.—In exercise of the powers conferred by sub-section (1) of section 4 of the Dock Workers (Regulation of Employment) Act, 1948, the Central Government hereby makes the following further amendment in the Bombay Unregistered Dock Workers (Regulation of Employment) Scheme, 1957, the same having been previously published as required by the sub-section, namely:—

1. This Scheme may be called the Bombay Unregistered Dock Workers (Regulation of Employment) Amendment Scheme, 1966.

2. In the Bombay Unregistered Dock Workers (Regulation of Employment) Scheme, 1957, in sub-clause (1) of clause 12-A, in item (iii), the following categories shall be added at the end, namely:—

“(e) Machine Mazdoors:

(f) Tank Sweepers.”

[No. 630/4/66-Fac.]

S.O. 3637.—In exercise of the powers conferred by sub-section (1) of section 4 of the Dock Workers (Regulation of Employment) Act, 1948 (9 of 1948), the Central Government hereby makes the following Scheme further to amend the Cochin Dock Workers (Regulation of Employment) Scheme, 1959, the same having been previously published as required by the said sub-section, namely:—

1. This Scheme may be called the Cochin Dock Workers (Regulation of Employment) Amendment Scheme, 1966.

2. In the Cochin Dock Workers (Regulation of Employment) Scheme, 1959, (hereinafter referred to as the said Scheme), in clause 7, for sub-clause (4), the following sub-clause shall be substituted, namely:—

“(4) The Board shall submit to the Central Government—

(i) as soon as may be after the first day of April in every year and not later than the thirty-first day of October, an annual report on the working of the Scheme during the preceding year ending the thirty-first day of March together with an audited balance sheet; and

(ii) copies of proceedings of the meetings of the Board.”

3. In the said scheme, after clause 8, the following clause shall be inserted, namely:—

“8-A *Annual Estimates.*—The Chairman shall, at a special meeting to be held before the end of February in each year, lay before the Board the annual budget as received from the Administrative Body under sub-clause (i) of clause 11 of the Scheme, for the year commencing on the first day of April then next ensuing in such detail and form as the Board may, from time to time, prescribe. The Board shall consider the estimate so presented to it and shall, within four weeks of its presentation, sanction the same either unaltered or subject to such alterations as it may deem fit.”

4. In the said scheme, in clause 11, for sub-clause (i) the following sub-clause shall be substituted, namely:—

“(i) the framing of the budget annually, submitting the same to the Board on or before the fifteenth of February in each year and getting it approved by the Board.”

[No. 622/1/66-Fac. 1.]

S.O. 3638.—In exercise of the powers conferred by sub-section (1) of section 4 of the Dock Workers (Regulation of Employment) Act, 1948 (9 of 1948), the Central Government hereby makes the following Scheme further to amend the Cochin Dock Workers (Regulation of Employment) Scheme, 1959, the same having been previously published as required by the said sub-section, namely:—

1. This Scheme may be called the Cochin Dock Workers (Regulation of Employment) Amendment Scheme, 1966.

2. In the Cochin Dock Workers (Regulation of Employment) Scheme, 1959.

(1) in sub-clause (1) of clause 9,

(i) the word "and" appearing at the end of item (q) shall be omitted;

(ii) after item (q), the following item shall be inserted, namely:—

"(qq) to fill an unexpected vacancy in the post of Deputy Chairman for a period of less than one month and report such matter to the Central Government for approval; and

(2) in sub-clause (2) of clause 9, the brackets and letter "(1)" shall be omitted.

[No. 625/3/66-Fac. 2.]

S.O. 3639.—In exercise of the powers conferred by sub-section (1) of section 4 of the Dock Workers (Regulation of Employment) Act, 1948 (9 of 1948), the Central Government hereby makes the following Scheme further to amend the Madras Dock Workers (Regulation of Employment) Scheme, 1956, the same having been previously published as required by the said sub-section, namely:—

1. This Scheme may be called the Madras Dock Workers (Regulation of Employment) Amendment Scheme, 1966.

2. In the Madras Dock Workers (Regulation of Employment) Scheme, 1956,

(1) in sub-clause (1) of clause 9,

(i) the word "and" appearing at the end of item (q) shall be omitted;

(ii) after item (q), the following item shall be inserted, namely:—

"(qq) to fill an unexpected vacancy in the post of Deputy Chairman for a period of less than one month and report such matter to the Central Government for approval; and".

(2) in sub-clause (2) of clause 9, the brackets and letter "(1)" shall be omitted.

[No. 625/3/66-Fac. I.]

K. D. HAJELA, Under Secy.

(Department of Rehabilitation)**(Office of the Chief Settlement Commissioner)***New Delhi, the 23rd November 1966*

S.O. 3640.—In exercise of the powers conferred by Sub-Section (1) of the Administration of Evacuee Property Act, 1950 (XXXI of 1950), the Central Government hereby appoints for the State of U.P., Shri B. M. Lall, Assistant Settlement Officer under the Assistant Settlement Commissioner, Incharge, U.P., Lucknow as Assistant Custodian for the purpose of discharging the duties imposed on such Assistant Custodian by or under the said Act with effect from the date he took over the charge.

[No. 8/235/ARG/62.]

S.O. 3641.—In exercise of the powers conferred by sub-section (1) of Section 3 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954, (44 of 1954) the Central Government hereby appoints the Deputy Secretary in the Rehabilitation Department, of Government of Haryana, as Settlement Commissioner, for the Purpose of performing, in addition to his own duties as Deputy Secretary, Rehabilitation Department Government of Haryana, the functions assigned to a Settlement Commissioner by or under the said Act, in respect of (i) agricultural lands and shops in any rural area including houses, cattle sheds and vacant sites forming part of the Compensation Pool: (ii) the properties referred to in the notification of the Government of India in the Ministry of Works, Housing and Rehabilitation (Department of Rehabilitation), No. 3(37)/L&R-63A dated 5th March, 1964.

[No. 3(19)/L & R-66.]

A. G. VASWANI,

Settlement Commissioner(A)
and Ex-Officio Under Secy.**(Department of Rehabilitation)****(Office of the Chief Settlement Commissioner)***New Delhi, the 23rd November 1966*

S.O. 3642.—In exercise of the powers conferred on the Chief Settlement Commissioner by Section 34(2) of the Displaced Persons (Compensation and Rehabilitation) Act, 1954 (44 of 1954), he hereby delegates to the Deputy Secretary to the

Government of Haryana, Rehabilitation Department exercising the powers of the Settlement Commissioner, his powers under Sections 23, 24 and 28 of the said Act for the purpose of passing necessary orders under these Sections in respect of (i) agricultural lands and shops in any rural area including houses, cattle sheds and vacant sites forming part of the Compensation Pool: (ii) the properties referred to in the notification of the Government of India in the Ministry of Works, Housing and Rehabilitation (Department of Rehabilitation) No. 3(37)/L&R/63-A, dated 5th March, 1964.

[No. 3(19)/L&R-66.]

G. D. KSHETRAPAL,
Chief Settlement Commissioner.

MINISTRY OF INFORMATION AND BROADCASTING

New Delhi, the 15th November 1966

S.O. 3643.—In exercise of the powers conferred by Section 5(1) of the Cinematograph Act, 1952 and sub-rule (3) of rule 8 read with sub-rule 2 of rule 9 of the Cinematograph (Censorship) Rules, 1958, the Central Government hereby appoints Smt. Subdhara Menon as a member of the Advisory Panel of the said Board at Madras with immediate effect.

[No. 11/3/65-FC.]

New Delhi, the 21st November 1966

S.O. 3644.—In exercise of the powers conferred by Section 5(1) of the Cinematograph Act, 1952 and sub-rule (3) of rule 8 read with sub-rule (2) of rule 9 and sub-rule (3) of rule 8 of the Cinematograph (Censorship) Rules, 1958, the Central Government hereby re-appoints Smt. S. Gulrajani and Shri Satyakam Vidyalankar after consultation with the Central Board of Film Censors, as members of the Advisory Panel of the said Board at Bombay with immediate effect.

[No. F. 11/4/66-FC.]

New Delhi, the 24th November 1966

S.O. 3645.—In exercise of the powers conferred by sub-rule (2) of rule 9, clause (b) of sub-rule (2) of rule 12 and sub-rule (1) of rule 24, read with rule 33, of the Central Civil Services (Classification Control and Appeal) Rules, 1965, the President hereby makes the following further amendments in the notification of the Government of India in the Ministry of Information and Broadcasting No. S.R.O. 618, dated the 28th February, 1957, namely:—

In the Schedule to the said notification :—

(1) In Part I—General Central Service, Class II, after the heading “Films Division and the entries relating thereto, the following shall be inserted namely:—

1	2	3	4
“Central Board of Film Censors			
All posts	Chairman, Central Board of Film Censors.	Chairman, Central Board of Film Censors.	All”;

(2) In Part II—General Central Service, Class III, after the heading “Films Division” and the entries relating thereto, the following shall be inserted, namely:—

1	2	3	4	5
All Posts in Regional Offices at Bombay/Calcutta/Madras.	Regional Officers, Central Board of Film Censors Bombay/Calcutta/Madras.	Regional Officer, Central Board of Film Censors Bombay/Calcutta/Madras.	All	Chairman, Central Board of Film Censors”.

(3) In Part III—General Central Services, Class IV, after the heading “Film Division” and the entries relating thereto, the following shall be inserted, namely:—

1	2	3	4	5
<hr/>				
<i>“Central Board of Film Censors.”</i>				
All Posts in Regional Offices at Bombay/ Calcutta/Madras.	Regional Officer, Central Board of Film Censors at Bombay/Calcutta/ Madras.	Regional Officer, Central Board of Film Censors at Bombay/Calcutta/ Madras.	All	Chairman, Central Board of Film Cen- sors”

[No. F. 2/59/64-FC.]

D. R. KHANNA, Dy. Secy.

MINISTRY OF FINANCE

(Department of Revenue and Insurance)

INCOME TAX

New Delhi, the 15th November 1966

S.O. 3646.—It is hereby notified for general information that the institution mentioned below has been approved by the Indian Council of Medical Research, the “prescribed authority”, for the purposes of clause (ii) of sub-section (1) of section 35 of the Income-tax Act, 1961 (43 of 1961).

Institution

The Society for the Care, Treatment and Training of Children in Need of Special Care, Sewri Hills, Bombay.

[No. 82 F. No. 10/44/66-IT(AI).]

J. C. KALRA, Dy. Secy.

(Department of Revenue and Insurance)

New Delhi, the 17th November 1966

S.O. 3647.—In pursuance of the provisions of sub-section (1) of section 8 and sections 14 and 15 of the Emergency Risks (Goods) Insurance Act, 1962 (52 of 1962), the Central Government hereby makes the following amendment to the notification of the Government of India in the Ministry of Finance (Department of Company Affairs and Insurance) No. S.O. 2602 dated the 12th August, 1965, namely:—

In the said notification, for the words “Deputy Director” the word “Director” shall be substituted, and shall be deemed to have been substituted with effect from the 1st November, 1966.

[No. F. 101(16)-INS. I/66-ERI (II).]

S.O. 3648.—In pursuance of the provision of sub-section (1) of section 8 of the Emergency Risks (Factories) Insurance Act, 1962 (63 of 1962), the Central Government hereby makes the following amendment to the notification of the Government of India in the Ministry of Finance (Department of Company Affairs and Insurance) No. S.O. 2603 dated the 12th August, 1965, namely:—

In the said notification, for the words “Deputy Director”, the word “Director” shall be substituted, and shall be deemed to have been substituted with effect from the 1st November, 1966.

[No. F. 101(16)-INS. I/66-ERI (III).]

S.O. 3649.—In pursuance of the provisions of sub-section (1) of section 11 of the Emergency Risks (Goods) Insurance Act, 1962, (62 of 1962), the Central Government hereby makes the following amendment to the notification of the Government of India in the Ministry of Finance (Department of Company Affairs and Insurance) No. S.O. 2604 dated the 12th August, 1965, namely:—

In the said notification, for the words "Deputy Director", the word "Director" shall be substituted and shall be deemed to have been substituted with effect from the 1st November, 1966.

[No. F. 101(16)-INS. I/66-ERI (IV).]

RAJ K. NIGAM, Dy. Secy.

(Department of Revenue and Insurance)

ORDER

New Delhi, the 24th November 1966

S.O. 3650.—In exercise of the powers conferred by sub-rule (7) of rule 126-H of the Defence of India Rules, 1962, the Central Government hereby directs that—

- (a) every religious institution shall submit to the Administrator monthly accounts of the primary gold received by it as offerings in the Form specified in the Schedule to this order;
- (b) every monthly account referred to in clause (a) shall be submitted in duplicate to the Superintendent of Central Excise within the local limits of whose jurisdiction the religious institution concerned is situated and such Superintendent shall—
 - (i) sign one copy of such accounts and return that copy to the person in charge of the management of the religious institution, and
 - (ii) retain the other copy with him.

THE SCHEDULE

Form of monthly account of primary gold to be submitted by the religious institutions.

Rule 126H(7)

To

Superintendent of Central Excise,

Sir,

I, (name).....being the person in charge of the management of.....(give name of the religious institution) do hereby furnish the account of the primary gold received by the institution during the month of....., 19.....

Serial No.	Date of receipt of primary gold	Quantity received (weight and No. of pieces)	Broad description	Value	Name and address of the donor if known	Remarks
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TOTAL

2. Reference No. and date of submission of the preceding month's account.

3. I have read the Defence of India Rules, 1962, and affirm that the above is the true and correct account of the primary gold received by the institution during the month referred to in para 1 above.

Date:

Signatures of the person

Place:

submitting the account.

(To be filled by the Central Excise Officer)

Received on.....Recorded under No.....

Date:

Superintendent of Central Excise.

Place:

[No. F. 1/72/66-GC. II.]

R. C. MISRA, Dy. Secy.

(Department of Revenue and Insurance)

ORDER

STAMPS

New Delhi, the 3rd December 1966

S.O. 3651.—In exercise of the powers conferred by clause (a) of sub-section (1) of section 9 of the Indian Stamp Act, 1899 (2 of 1899), the Central Government hereby remits the stamp duty with which the bonds of the value of fifty lakhs of rupees (subject to a retention margin of 10 per cent) to be issued by the Uttar Pradesh Financial Corporation are chargeable under the said Act.

[No. 24/1966-F. No. 1/60/66-Cus. VII/Stamps.]

M. S. SUBRAMANYAM, Under Secy.

(Department of Economic Affairs)

New Delhi, the 25th November 1966

S.O. 3652.—Statement of the Affairs of the Reserve Bank of India as on the 18th November 1966

BANKING DEPARTMENT

LIABILITIES	Rs.	ASSETS	Rs.
Capital Paid Up	5,00,00,000	Notes	26,52,24,000
		Rupee Coin	3,75,000
Reserve Fund	80,00,00,000	Small Coin	3,61,000
National Agricultural Credit (Long Term Operations) Fund	115,00,00,000	Bills Purchased and Discounted :—	
		(a) Internal
		(b) External
		(c) Government Treasury Bills	270,39,91,000
National Agricultural Credit (Stabilisation) Fund	16,00,00,000	Balances Held Abroad*	18,84,26,000
National Industrial Credit (Long Term Operations) Fund	20,00,00,000	Investments**	173,33,21,000
		Loans and Advances to :—	
		(i) Central Government
		(ii) State Governments @	58,84,62,000

LIABILITIES		Rs.	ASSETS	Rs.
Deposits :—			Loans and advances to :—	
(a) Government :—			(i) Scheduled Commercial Banks†	1,38,60,000
			(ii) State Co-operative Banks‡	163,83,30,000
			(iii) Others	3,19,76,000
(i) Central Government	51,64,91,000		Loans, Advances and Investments from National Agricultural Credit (Long Term Operations) Fund—	
(ii) State Governments	18,43,47,000		(a) Loans and Advances to :—	
			(i) State Governments	29,27,99,000
			(ii) State Co-operative Banks	13,51,97,000
			(iii) Central Land Mortgage Banks	—
(b) Banks :—			(b) Investment in Central Land Mortgage Bank Debentures	6,61,22,000
(i) Scheduled Commercial Banks	123,48,40,000		Loans and Advances from National Agricultural Credit (Stabilisation) Fund—	
(ii) Scheduled State Co-operative Banks	4,06,95,000		Loans and Advances to State Co-operative Banks	4,07,35,000
(iii) Non-Scheduled State Co-operative Banks	45,88,000		Loans, Advances and Investments from National Industrial Credit (Long Term Operations) Fund—	
(iv) Other Banks	3,27,000		(a) Loans and Advances to the Development Bank	4,25,73,000
(c) Others	267,16,73,000		(b) Investment in bonds/debentures issued by the Development Bank	—
Bills Payable	38,01,88,000		Other Assets	31,56,81,000
Other Liabilities	66,42,84,000			
		Rupees		Rupees
		805,74,33,000		805,74,33,000

*Includes Cash and Short-term Securities.

**Excluding investments from the National Agricultural Credit (Long Term Operations) Fund and the National Industrial Credit (Long Term Operations) Fund.

@Excluding Loans and Advances from the National Agricultural Credit (Long Term Operations) Fund, but including temporary overdrafts to State Governments.

†Includes Rs. NIL advanced to scheduled commercial banks against usance bills under section 17(4)(c) of the R. B. I. Act.

‡Excluding Loans and Advances from the National Agricultural Credit (Long Term Operations) Fund and the National Agricultural Credit (Stabilisation) Fund.

Dated the 23rd day of November, 1966.

An Account pursuant to the Reserve Bank of India Act, 1934, for the week ended the 18th day of November, 1966

ISSUE DEPARTMENT

LIABILITIES	Rs.	Rs.	ASSETS	Rs.	Rs.
Notes held in the Banking Department	26,52,24,000		Gold Coin and Bullion:—		
Notes in circulation	2822,65,73,000		• (a) Held in India	115,89,25,000	
			(b) Held outside India	
Total Notes issued?		2849,17,97,000	Foreign Securities	176,42,01,000	
			TOTAL		292,31,26,000
			Rupee Coin		86,95,12,000
			Government of India Rupee Securities		2469.91,59,000
			Internal Bills of Exchange and other commercial paper
TOTAL LIABILITIES		2849,17,97,000	TOTAL ASSETS		2849,17,97,000

Dated the 23rd day of November 1966.

P. C. BHATTACHARYYA, Governor.

[No. F. 3(3)-BC/66.]

V. SWAMINATHAN, Under Secy.

CENTRAL BOARD OF DIRECT TAXES

INCOME-TAX

New Delhi, the 23rd November 1966

S.O. 3653.—In exercise of the powers conferred by sub-section (1) of section 122 of the Income-tax Act, 1961 (43 of 1961) and of all other powers enabling it in that behalf, the Central Board of Direct Taxes hereby makes the following amendment to the Schedule appended to its Notification No. 18 (F. No. 50/3/66-ITJ), dated the 18th January, 1966 namely:

In the said Schedule under column 2 against Ernakulam Range the following shall be added namely:

9. Companies Circle, Trivandrum.

Explanatory Note

The amendment has become necessary on account of the creation of a new Companies Circle, Trivandrum in the Commissioner's Charge.

(This does not form part of the notification but is intended to be merely clarificatory).

[No. 115 (F. No. 50/3/66-ITJ).]

P. G. GANDHI, Under Secy.

CENTRAL EXCISE COLLECTORATE, ALLAHABAD

Allahabad, the 19th November 1966

(With Amendment to Notification No. 6/CE/63, dated 6th May, 1963).

S.O. 3654.—In exercise of the powers conferred on me by rule 5 of the Central Excise Rules, 1944, the following amendment shall be made in this Collectorate Notification No. 6/CE/63, dated 6th May, 1963.

In the Table annexed to the said Notification, for the word 'Superintendent' appearing in column 2 against Serial No. 2 the words "Senior Superintendent" shall be substituted.

In the aforesaid Table after Serial No. 2 and the entries relating thereto the following shall be inserted in Column 1, 2, 3 and 4 thereof respectively:—

1	2	3	4
2A	Superintendent Class II	9-B	To accept bond in form B-10 under sub-rule 2.
		9-B, 13, 14, 48, 65, 140, 154, 164, 191, 192, 206	To get executed before them such bonds in (b) series which will be accepted only by the Assistant Collector/Senior Superintendent under the existing orders.
		49(2)	To supervise destruction of manufactured excisable goods other than tea in cases where the amount of duty involved does not exceed Rs. 250/- in each case.
		92-A(4) 96-I(4) 96-O(4) 96-Y(4)	To accept renewal application in form A. S. P. and to condone delay, not exceeding 15 days, in submission of such applications.
		145	
			To permit un-manufactured products to remain in the ware-house for a further period not exceeding 6 months in extension of the period of 3 years referred to in this rule.

1	2	3	4
	224(I)		To accord permission for overtime clearances on all particular occasions between 6 P.M. to 6 A.M. and on Sundays and holidays, <i>except during the Budget week</i> subject to sending a monthly statement showing the details of such permission granted to the Senior Superintendent concerned. After granting the permission the O. T. applications will be sent to the Factory Officers concerned for further action as usual.

[No. 6-CE/66.]
V. PARTHASARATHY,
Collector.

**COLLECTORATE OF CENTRAL EXCISE, CALCUTTA AND ORISSA,
CALCUTTA**

CENTRAL EXCISE

Calcutta, the 15th October 1966

S. O. 3655.—Consequent on upgradation of the posts of Dy. Superintendent (E) to those of Superintendent of Central Excise and the existing posts of Superintendent of Central Excise being designated as 'Senior Superintendent'. I hereby authorise in exercise of the powers conferred on me by Rule 5 of the Central Excise Rule, 1944, the newly promoted Superintendent of Central Excise of Central in the Collectorate of Central Excise, Calcutta & Orissa to exercise the powers of 'Collector' under the rules, quoted below, subject to the conditions and limitations indicated against the respective rules in the table appended—

TABLE

Rank of Officer	Relevant Central Excise Rule in respect of which power is delegated	Conditions and limitations
1	2	3
Superintendent	92-A(4), 96-I(4), 96-O(4), 96-V, 96-Y(4) and 96-ZA(4).	The exercise of powers under these rules shall be restricted to the sanction of A.S.P. applications for renewal from units working under the compounded levy system and condonation of delay in submission of such renewal applications upto 15 days.
	145	The powers to grant permission to unmanufactured product to remain in the warehouse for a further period not exceeding 6 months, in extension of the period of 3 years as referred in this rule, shall be exercised.
	224(I)	The power to accord permission for overtime clearances between 6 P.M. and 6 A.M. on Sundays & holidays, <i>except during Budget week</i> , shall be exercised subject to the Condition that the Overtime applications, after such permission being granted, shall be sent to the Circle/Divisional Offices.

[No. 5/1966.]
N. MOOKHERJEE,
Collector.

MINISTRY OF INDUSTRY*New Delhi, the 18th November 1966*

S.O. 3656.—In exercise of the powers conferred by the proviso to article 309 of the Constitution, the President hereby makes the following rules further to amend the Small Scale Industries Organisation (Class III and Class IV Posts) Recruitment Rules, 1960, namely:—

1. These rules may be called the Small Scale Industries Organisation (Class III and Class IV Posts) Recruitment (Amendment) Rules, 1966.

2. In the Schedule to the Small Scale Industries Organisation (Class III and Class IV Posts) Recruitment Rules, 1960, in the entry in Column II against Item No. 2 relating to the post of Upper Division Clerk, the following provisos shall be added at the end, namely:—

“Provided that for a period of three years from the commencement of the Small Scale Industries Organisation (Class III and Class IV Posts) Recruitment (Amendment) Rules, 1966, twelve and a half per cent of vacancies in the grade of Upper Division Clerk in and under the jurisdiction of the Small Industries Service Institutes/Extension Centres located in the States of West Bengal, Assam, Bihar and Orissa may be filled by direct recruitment from amongst the surplus employees of the Iron and Steel Controller's Organisation sponsored by the Employment Exchange and having particularly good record:

Provided further that in respect of any vacancy in the aforesaid twelve and a half per cent quota, where a suitable candidate belonging to the category specified in the foregoing proviso is not available, it may be filled by promotion from the grade of Lower Division Clerks.

[No. F. 4/50/65-SSI(C).]


L. G. MIRCHANDANI, Dy. Secy.

(Indian Standards Institution)*New Delhi, the 25th November 1966*

S.O. 3657.—In pursuance of sub-rule (1) of rule 4 of the Indian Standards Institution (Certification Marks) Rules, 1955, the Indian Standards Institution hereby notifies that the Standard Mark, design of which together with the verbal description of the design and the title of the relevant Indian Standard is given in the Schedule hereto annexed, has been specified.

This Standard Mark, for the purpose of the Indian Standards Institution (Certification Marks) Act, 1952, and the rules and regulations framed thereunder, shall come into force with immediate effect

THE SCHEDULE

Sl. No.	Design of the Standard Mark	Product/Class of Products to which applicable	No. & Title of Relevant Indian Standard	Verbal description of the design of the Standard Mark
1	(2)	(3)	(4)	(5)
I.		IS: 3284 Organo mercurial dry seed-dressing formulations.	IS: 3284—1965 Specification for organo mercurial dry seed-dressing formulations.	The monogram of the Indian Standards Institution consisting of letters ISI, drawn in the exact style and relative proportions as indicated in col (2), the number designation of the Indian Standard being superscribed on the top side of the monogram as indicated in the design.

[No. MD/17:2.]

S. K. SEN, Deputy Director General.

CENTRAL ELECTRICITY AUTHORITY

New Delhi, the 28th November 1966

S.O. 3658.—On his reversion to the Central Water and Power Commission (Power Wing) Shri J. S. Ahluwalia relinquished charge of the post of Secretary, North Eastern Regional Electricity Board, Shillong on the afternoon of the 10th October, 1966.

[No. 1/30/64-Adm.I.(CEA).]

New Delhi, the 3rd December 1966

S.O. 3659.—In exercise of the powers conferred by Sub-Section 6 of Section 3 of the Electricity (Supply) Act 1948 (LIV of 1948), the Central Electricity Authority hereby appoints Shri Gyan Prakash, a Deputy Director in the Central Water and Power Commission (Power Wing) as Secretary, North-Eastern Regional Electricity Board, Shillong, with effect from the afternoon of the 19th October, 1966 until further orders.

[No. 1/30/64-CEA(Adm.I).]

M. M. DHAWAN, Under Secy.
for Chairman, CEA.

